

LADNLAN1

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
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3 UNITED STATES OF AMERICA,

4 v.

18 Cr. 601 (PGG)

5 JEAN-C LAUDE OKONGO LANDJI, and
6 JIBRIL ADAMU,

7 Defendants.

Jury Trial

8 -----x
9 New York, N.Y.
October 13, 2021
9:45 a.m.

10 Before:

11 HON. PAUL G. GARDEPHE,
12 District Judge
and a Jury

13 APPEARANCES

14 AUDREY STRAUSS
United States Attorney for the
15 Southern District of New York
MATTHEW HELLMAN
ELINOR L. TARLOW
Assistant United States Attorneys

16 SHER TREMONTE LLP
17 Attorneys for Defendant Landji
MICHAEL TREMONTE
NOAM BIALE

18 THOMAS F.X. DUNN
19 JACQUELINE E. CISTARO
Attorneys for Defendant Adamu

20 Also present:

21 Eric Heuberger, Interpreter (French)
Sophie Pierson, Interpreter (French)
Carmen Ess, Interpreter (Croatian)
Teodora Burian, Interpreter (Croatian)
Elizabeth Caruso, Interpreter (Spanish)
Anna Maria Riso, Interpreter (Spanish)

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1 (Trial resumed)

2 (Jury not present)

3 THE COURT: Please be seated. I received a letter
4 from the government last night around 1 a.m. concerning two
5 issues. One portion of the letter addresses extractions from
6 cell phones seized from the defendants at the time of their
7 arrest in Zagreb. The other has to do with the admissibility
8 of the cocaine seized from the plane in Zagreb.

9 I don't want to take a lot of time to address these
10 matters now because the jury is here and ready to go. I will
11 say, based on what I have read so far, and subject to defense
12 counsel's arguments, my inclination would be to admit the
13 extractions from the defendants' cell phones. I will explain
14 that in more detail later.

15 I haven't had time to study the government's
16 submission with respect to the cocaine. I will say that what I
17 need to see in order to admit the cocaine is case law
18 demonstrating that it would be appropriate for me to do so.
19 What I mean by referring to case law that would support
20 admission of the cocaine under these circumstances, what I mean
21 is not general case law about what the standard is, but rather
22 case law that addresses the admission of the drug evidence
23 under circumstances comparable to those here. That is what I
24 am looking for.

25 I am not entirely confident that the government's

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1 letter contains such case law, but as I said, I haven't had
2 time to study it, and will do so later.

3 Before we bring the jury in, are there matters the
4 lawyers want to take up?

5 MR. HELLMAN: Not from the government.

6 MR. BIALE: Your Honor, just to briefly address, not
7 with argument, but you granted our request yesterday to respond
8 in writing to the government's letter. We will try to get you
9 that response as early as possible this afternoon. We have
10 already done some research. It seems from the government's
11 letter that actually there are not any additional facts that we
12 didn't sort of already have a sense of yesterday. So we will
13 work very hard to get you our response. We will work on it as
14 soon as we leave court today and try to get it to you early
15 this evening so that you have the benefit of our arguments.

16 THE COURT: All right.

17 Mr. Dunn, anything you want to say?

18 MR. DUNN: No, your Honor. I could bring it up later.
19 I don't want to delay the jury.

20 THE COURT: Thank you.

21 The witness should take the stand.

22 TOMISLAV MILUNIC, resumed.

23 (Continued on next page)

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1 (Jury present)

2 THE COURT: Please be seated.

3 Good morning, ladies and gentlemen.

4 JUROR: Good morning.

5 THE COURT: You may recall that when we broke
6 yesterday we were in the midst of the direct examination of
7 Mr. Milunic. At the time that we broke, Mr. Dunn on behalf of
8 Mr. Adamu was asking some questions, which we refer to as voir
9 dire questions, about Government Exhibit 102.

10 Mr. Dunn, do you have additional questions that you
11 would like to put with respect to Government Exhibit 102 at
12 this point?

13 MR. DUNN: No, your Honor.

14 THE COURT: All right.

15 Does Mr. Landji wish any voir dire with respect to
16 102?

17 MS. RENZLER: No, your Honor.

18 THE COURT: Mr. Hellman, are you offering 102?

19 MR. HELLMAN: Yes.

20 THE COURT: Any objection?

21 MR. DUNN: No objection, your Honor.

22 MS. RENZLER: No, your Honor.

23 THE COURT: Government Exhibit 102 is received. You
24 may proceed, Mr. Hellman.

25 (Government Exhibit 102 received in evidence)

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Milunic - Direct

DIRECT EXAMINATION (Continued)

BY MR. HELLMAN:

Q. Good morning, Mr. Milunic.

A. Good morning.

MR. HELLMAN: Mr. Minikel, would you please display Government Exhibit 241 for the Court, parties, and witness only.

BY MR. HELLMAN:

Q. Mr. Milunic, are you able to see Government Exhibit 241?

A. Yes. Yes, I see it.

THE INTERPRETER: The batteries are dead, your Honor.

THE COURT: Go ahead, Mr. Hellman.

MR. HELLMAN: All right. Thank you.

Q. What do you recognize Government Exhibit 241 to be?

A. This is the plastic baggie with yellow and red markings, inside which there was the black baggie and inside which was the package with the suspicious material which we had recovered after the search we searched the airplane.

Q. Is Government Exhibit 241 a photograph of that bag?

A. That's correct.

Q. Were you present when this photograph was taken?

A. Yes.

Q. Do you know when the photograph was taken?

A. On October 5, when we were reviewing the evidence.

THE COURT: Sorry. You can't hear?

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Milunic - Direct

1 JUROR: Yes.

2 THE COURT: You need to keep up your voice.

3 THE INTERPRETER: Okay.

4 A. On October 5 during the review of the evidence material in
5 the state attorney's office.

6 THE COURT: Is the microphone not working?

7 THE INTERPRETER: No, the microphone is not working.
8 We're waiting for fresh batteries, your Honor. They were
9 ordered before the proceedings. They are on their way.

10 THE COURT: Well, you are going to have to keep up
11 your voice.

12 THE INTERPRETER: Okay.

13 THE COURT: Your voice has to be loud enough so that
14 people at the back of the room can hear you. They are a long
15 ways away.

16 THE INTERPRETER: I understand.

17 THE COURT: Okay?

18 THE INTERPRETER: Yes.

19 THE COURT: Go ahead, Mr. Hellman.

20 MR. HELLMAN: I would offer Government Exhibit 241 in
21 evidence.

22 THE COURT: Any objection?

23 MR. DUNN: No, your Honor.

24 MS. RENZLER: No, your Honor.

25 THE COURT: Government Exhibit 241 is received.

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Milunic - Direct

1 (Government Exhibit 241 received in evidence).

2 MR. HELLMAN: Permission to publish Government Exhibit
3 241, your Honor.

4 THE COURT: Yes.

5 MR. HELLMAN: Mr. Minikel, will you please display
6 Exhibit 241.

7 BY MR. HELLMAN:

8 Q. Mr. Milunic, can you please explain by describing what you
9 can see in Government Exhibit 241 what about it you recognized
10 from the time you first saw it on the airplane in October 2018?

11 A. Well, I have seen the red and yellow markings on the white
12 baggie.

13 MR. HELLMAN: Permission to approach?

14 THE COURT: Yes.

15 BY MR. HELLMAN:

16 Q. All right. Mr. Milunic, I've handed you Government Exhibit
17 102 in evidence and also Government Exhibit 103.

18 Could you please take a look first at Government
19 Exhibit 103.

20 A. I looked at it.

21 Q. What do you recognize Government Exhibit 103 to be?

22 A. This is the official brown baggie that our laboratory sent
23 to the office of crime investigations, April 15, 2020,
24 regarding Mr. Landji.

25 Q. Have you recently inspected the contents of Government

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Milunic - Direct

1 Exhibit 103?

2 A. I reviewed it in the office of the assistant state's
3 attorney on October 5.

4 Q. And at the time you reviewed it, did you open the bag,
5 Government Exhibit 103, and examine its contents?

6 A. That's correct.

7 Q. Was the bag sealed before you did that?

8 A. It was sealed.

9 Q. How did you open Government Exhibit 103?

10 A. By scissors we have cut off the bottom part of the baggie.

11 Q. Do you see the bottom part of the baggie contained within
12 Government Exhibit 103?

13 A. Yes, I see it.

14 Q. After you finished examining the contents of Government
15 Exhibit 103, did you seal that bag?

16 A. That's correct. We have put the contents of the baggie
17 back inside and we have sealed it again --

18 Q. And did you mark it --

19 A. -- at the bottom.

20 Q. Excuse me. Sorry. Did you mark the seal in any way?

21 A. That is correct. I have put my initials and the date when
22 the review was done.

23 Q. Turning your attention, please, back to Government Exhibit
24 102. I think you have been provided gloves and scissors. If
25 you could put on the gloves and use the scissors to open

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Milunic - Direct

1 Government Exhibit 102, please.

2 A. I have the gloves and the scissors.

3 Q. Would you please open Government Exhibit 102?

4 A. Okay.

5 Q. Will you please remove the contents of Government Exhibit
6 102?

7 A. It has been done.

8 Q. All right. Mr. Milunic, do you see in Government Exhibit
9 102, the white bag that you have described in your testimony?

10 A. Yes. Here it is.

11 Q. It looks like you are unfolding the bag. If that is the
12 white bag that you have previously described as the outermost
13 packaging of the powder you found on the plane in October 2018,
14 can you please hold it up so that members of the jury can see
15 it. You may need to stand.

16 Q. Thank you. Do you believe that to be the bag which was the
17 outermost packaging of the package that you referred in October
18 2018?

19 A. That's correct.

20 Q. You previously testified about a black bag inside of the
21 white bag. Do you see that from the contents of Government
22 Exhibit 102?

23 A. Yes, I see it. Here it is.

24 Q. Will you please hold that up so that members of the jury
25 can see it. How would you describe the material that you're

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Milunic - Direct

2 currently holding. What material is it?

3 A. Plastic baggie of black color.

4 Q. Are you able also to see from the contents of Government
5 Exhibit 102, the next layer of packaging that you observed
during your search and recovery of the packet?

6 A. Yes, I see.

7 (Continued on next page)

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LADHLan2

Milunic - Direct

1 Q. What are you holding right now?

2 A. The plastic wrapping with brown tape with the rectangle and
3 the markings that resemble the brand name of Adidas inside
4 which the suspicious powdery material was found.

5 Q. Would you please display that packaging for the jury. And
6 would you show both sides, please.

7 A. (Witness complies)

8 Q. Mr. Milunic, would you please display Government
9 Exhibit 229 -- sorry, 232.

10 Mr. Milunic, are you able to see the logo in
11 Government Exhibit 232 on the packaging that you're handling
12 right now?

13 A. Yes.

14 Q. And it may just be the Plexiglas, but I wasn't able to see.
15 Would you please display that. Thank you.

16 Is there any additional packaging inside of Government
17 Exhibit 102 that you recognize from the day of your recovery of
18 the object?

19 A. This is the remnant of the same package, and something
20 rubbery which I had not seen at the time.

21 Q. And how would you describe the rubbery item that you're
22 holding?

23 A. As a rubbery black baggy which is now torn.

24 Q. Are you able to see anything on the rubber itself?

25 A. Only the traces of white powdery material.

LADHLan2

Milunic - Direct

1 Q. You testified previously that when you recovered the
2 packet, you observed white powder inside of it, is that right?
3 A. Yes.

4 Q. What did you do to access the white powder within the
5 packet? How, if at all, did you open the packet?

6 A. We punctured a little hole on the package from which we
7 retrieved a small quantity of the powdery material, and we
8 performed the test.

9 Q. How did you make the hole? What kind of implement did you
10 use?

11 A. I believe that we used a screwdriver.

12 Q. Taking a look at Government Exhibit 232 on your screen, did
13 you remove the packaging that you can see in Government
14 Exhibit 232 the day that you recovered the item?

15 A. No, we did not.

16 Q. So in Government Exhibit 232, can we see the total extent
17 to which you unwrapped the object the day of the recovery?

18 A. That's correct.

19 Q. You testified yesterday about what you did with this object
20 after the examinations that you performed. Could you -- do you
21 see in Government Exhibit 102 a brown bag?

22 A. Yes, here it is.

23 Q. Would you please open that bag and display it for members
24 of the jury.

25 What is that kind of a bag?

LADHLan2

Milunic - Direct

1 A. This is our official baggy into which police officers place
2 the recovered objects after -- smaller objects after the
3 search.

4 Q. And you're familiar with that type of bag?

5 A. Yes.

6 Q. Is it standard for you, based on your training and
7 experience, to use those type of bags when recovering evidence?

8 A. It has been used for the last 15 years.

9 Q. Do you believe that that is the kind of bag that you used
10 to transport the package depicted in Government Exhibit 232 to
11 Ivica Sestak on October 31, 2018?

12 A. Yes.

13 Q. Why did you provide it to Ivica Sestak in particular?

14 MS. RENZLER: Objection.

15 THE COURT: Ground?

16 MS. RENZLER: Foundation.

17 THE COURT: I don't understand. He said that he --
18 he's previously testified that he gave the package to Sestak.

19 MS. RENZLER: He testified that that's the type of bag
20 and not the specific bag.

21 THE COURT: Your objection's overruled.

22 Can you repeat the question, Mr. Hellman.

23 BY MR. HELLMAN:

24 Q. I believe the question was why did you provide the package
25 depicted in Government Exhibit 232 to Ivica Sestak in

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Milunic - Direct

1 particular?

2 THE COURT: Well, defense counsel has objected on
3 grounds of ambiguity, so let me inquire of the witness.

4 Is this the bag that you gave to Sestak?

5 THE WITNESS: Yes.

6 THE COURT: All right. Go ahead.

7 Q. Why did you provide that bag and its contents to Ivica
8 Sestak in particular?

9 A. Because Ivica Sestak was in charge of leading the case.

10 Q. Did he have responsibility for the evidence in the case as
11 far as you knew?

12 A. Yes.

13 Q. Do you know if there was any particular purpose in
14 providing it to Mr. Sestak?

15 A. My boss told me that when we complete the case, we have to
16 give all the material --

17 MS. RENZLER: Objection.

18 A. -- to him.

19 THE COURT: All right. Sustained.

20 What was your purpose in giving this bag or the
21 evidence that it contained to Sestak? What was your purpose in
22 doing that?

23 THE WITNESS: I was responsible for the package during
24 the transport and during the giving part of this package to the
25 next person.

LADHLan2

Milunic - Direct

1 THE COURT: All right. Did you have an understanding
2 of what Sestak was going to do with the package after you gave
3 it to him?

4 THE WITNESS: The common practice in Croatia is that
5 the suspicious material is going to be transported into the
6 laboratory.

7 THE COURT: All right. Could you tell us what
8 Mr. Sestak's duties and responsibilities are for the Croatian
9 police.

10 THE WITNESS: The colleague works in the office for
11 the drug-related crimes, together with the other witness,
12 Tomislav Stambuk. Together they were in charge of leading the
13 case.

14 THE COURT: All right. Go ahead, Mr. Hellman.

15 BY MR. HELLMAN:

16 Q. Just to be clear, at the time you provided the package
17 shown in Government Exhibit 232 to Mr. Sestak, did you provide
18 it in the condition that you can see it in Government
19 Exhibit 232?

20 A. That's correct.

21 Q. Did you also provide the bags and other packaging in which
22 you had found Government Exhibit 232?

23 A. Yes.

24 Q. Prior to October 31, 2018, had you had any other
25 involvement in this case?

LADHLan2

Milunic - Cross

1 A. I was not.

2 Q. Was your only involvement in this case your conducting the
3 search on October 31, 2018?

4 A. Yes.

5 Q. After you provided the packet and the other physical
6 evidence from the airplane to Ivica Sestak, did you have any
7 further involvement in this investigation?

8 A. This was the end of my work. I didn't have any further
9 connection with the case.

10 MR. HELLMAN: May I have one moment, your Honor?

11 THE COURT: Yes.

12 THE COURT: Cross-examination.

13 CROSS-EXAMINATION

14 BY MS. RENZLER:

15 Q. Good morning.

16 A. Good morning.

17 Q. On October 31, 2018, you drove Mr. Adamu to the Zagreb
18 airport, right?

19 THE INTERPRETER: I'm sorry. I didn't hear. Can you
20 say it louder. I'm sorry, the interpreter couldn't hear what
21 you asked.

22 Q. Sure. On October 31, 2018, you drove Mr. Adamu to the
23 Zagreb airport, right?

24 A. This is correct.

25 Q. The plane had landed in Zagreb the day before?

LADHLan2

Milunic - Cross

1 A. Yes.

2 Q. And you were there to assist in the search of the plane?

3 A. Yes.

4 Q. You participated in that search?

5 A. Yes.

6 Q. And that search was conducted by nine Croatian police
7 officers, correct?

8 A. Yes, yes.

9 Q. No U.S. agents participated in that search?

10 A. Yes.

11 Q. You searched alongside one of your colleagues, correct?

12 A. Yes.

13 Q. Your colleague took notes during this search, correct?

14 A. My colleagues and myself, we were doing the search
15 together.

16 Q. A different colleague took photos during the search,
17 correct?

18 A. And the pictures were taken by the crime technician.

19 Q. You did not take the photos?

20 A. No, I did not.

21 Q. You started your search at the front of the plane, correct?

22 A. Yes, we started with the cockpit.

23 Q. And then you made your way to the back of the plane?

24 A. Yes.

25 Q. And at the end of the cabin, there was a door, correct?

LADHLan2

Milunic - Cross

1 A. Yes.

2 Q. That door was to a luggage area?

3 A. Yes.

4 Q. You opened that door?

5 A. Yes.

6 Q. It wasn't locked, right?

7 A. As far as I can recall, the door was not locked.

8 Q. And right behind that door was a storage compartment,
9 correct?

10 A. On the left-hand side.

11 Q. It wasn't a secret compartment?

12 A. No, you could see the shelf.

13 Q. So the compartment wasn't hidden, right?

14 A. Yes.

15 MS. RENZLER: Ms. Young, can you please pull up
16 Government Exhibit 224.

17 Q. Are you able to see that, sir?

18 A. I see it.

19 Q. This shows the door to the storage compartment, correct?

20 A. Yes.

21 THE COURT: All right. Whenever an exhibit is
22 displayed, you have to say what it is for the record. So we're
23 looking at Government Exhibit 224, right?

24 MS. RENZLER: Yes, your Honor.

25 THE COURT: OK. Go ahead.

LADHLan2

Milunic - Cross

1 Q. So Government Exhibit 224 displays the door to the storage
2 compartment, correct?

3 A. Yes.

4 Q. This door was not locked?

5 A. As far as I can recall, the door was not locked.

6 Q. So you didn't need a key to open it, correct?

7 A. We didn't need the key.

8 Q. And you didn't need a combination code, correct?

9 A. Correct.

10 Q. So you and your colleague opened this door?

11 A. Yes.

12 MS. RENZLER: Ms. Young, can you please pull up
13 Government Exhibit 225.

14 Q. I'm showing you Government Exhibit 225 on the screen. Can
15 you see that?

16 A. I see it.

17 Q. This is what was inside of the compartment when you opened
18 the door, correct?

19 A. Correct.

20 Q. So there was a shelf, right?

21 A. Yes.

22 Q. On top of the shelf were some oil cans?

23 A. Correct.

24 Q. And there's a plastic bag also, correct?

25 A. Correct.

LADHLan2

Milunic - Cross

1 Q. The bag wasn't buried underneath any other items?

2 A. It was exactly the way you see it on the picture. That's
3 how we found it.

4 Q. So it wasn't hidden?

5 A. Correct.

6 Q. It wasn't made to look like something else, correct?

7 A. You could see that was the plastic bag.

8 Q. So all someone had to do to put the bag there was to open
9 the storage compartment?

10 A. Yes.

11 Q. And place the bag inside?

12 THE INTERPRETER: I'm sorry?

13 Q. Place the bag inside the compartment.

14 A. OK. I don't understand.

15 THE INTERPRETER: I'm sorry. The witness doesn't
16 understand the question.

17 Q. In order to put the bag inside of the compartment, all
18 someone had to do was open the door and place it inside?

19 A. Yes, this is correct.

20 Q. The bag was about the size of a book?

21 A. Yes.

22 Q. It could have fit in any number of places on the plane?

23 A. Yes, this is possible.

24 Q. And it could easily be carried on to the plane?

25 A. And that was easy to be done by the people who owned the

LADHLan2

Milunic - Cross

1 plane.

2 Q. But I asked it would be easy to carry a bag of this size on
3 to the plane, correct?

4 A. Yes, it will be easy.

5 Q. Aside from this bag, no other drugs were found on the
6 plane, correct?

7 A. This is correct.

8 Q. You testified on direct that the package was removed from
9 the storage compartment, correct?

10 A. Yes.

11 Q. At that time you didn't examine it for any evidence of
12 fingerprints, correct?

13 A. Correct.

14 Q. As a result of the search of the plane, items other than
15 that package were also recovered, right?

16 A. Correct.

17 Q. Cell phones were recovered?

18 A. Yes.

19 Q. But you didn't review the contents of those phones,
20 correct?

21 A. Personally, I didn't listen to the contents of the
22 telephones.

23 Q. Luggage was also recovered from the plane, correct?

24 A. Yes, we took out the item that we found in the plane.

25 Q. You placed those items in a box, right?

LADHLan2

Milunic - Cross

1 A. We took some items, and we made the list of those items.
2 And the rest of them, we put into two different boxes, and we
3 sealed those boxes.

4 Q. And you didn't finish the inventory on the plane, correct?

5 A. The object that we put into the boxes, we didn't have a
6 chance to make the list of all of them.

7 Q. You testified that you brought the boxes back to your
8 office, correct?

9 A. Yes.

10 Q. Where they were given to Mr. Sestak?

11 A. Yes.

12 Q. After the boxes were given to Mr. Sestak, you didn't see
13 them again, correct?

14 A. This is correct.

15 MS. RENZLER: No further questions.

16 THE COURT: All right.

17 Mr. Dunn.

18 MR. DUNN: Thank you, your Honor.

19 CROSS-EXAMINATION

20 BY MR. DUNN:

21 Q. Sir, isn't it a fact that these plastic bags with the
22 cocaine were recovered in a brown piece of luggage?

23 A. The plastic bag was found on the shelf among the oil cans
24 in the store -- in the cargo area of the plane.

25 Q. But they were in a brown piece of luggage, correct?

LADHLan2

Milunic - Cross

1 A. First we found the piece of luggage, which included the
2 cell phones, some SIM cards.

3 Q. There was another -- withdrawn.

4 So when you opened this compartment, the storage area,
5 isn't it a fact in that storage area, there was a brown piece
6 of luggage, and within that luggage was this plastic wrapping
7 and the drugs, isn't that a fact?

8 A. No, this is not correct. The plastic bag was together with
9 the oil cans on the shelf.

10 Q. Prior to the search on that plane, did you have any
11 experience with searches before?

12 A. Yes, I been working for the last 15 years in the police of
13 the crime, crime police.

14 Q. How many times have you searched planes, approximately?

15 A. No, this was the first time I was doing the search of the
16 plane.

17 Q. Excuse me?

18 A. This was the first time I was searching the plane.

19 Q. So the first time that you ever searched a plane was this
20 plane that you've testified to about today, is that right?

21 A. This is correct.

22 Q. What time did you get to the area where the plane was when
23 you -- after you had driven Mr. Adamu to the airport?

24 A. As far as I could recall, that was about 9:30 in the
25 morning.

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Milunic - Cross

1 Q. And you testified, I believe, that at some point you had to
2 take Mr. Adamu, Mr. Landji, and Mr. Seal to court because you
3 had to do that, according to Croatian law, within 24 hours,
4 correct?

5 A. After they found cocaine and they packed all the boxes, we
6 went -- we drove them all into our office. After that, our
7 colleagues did the necessary work, and within 24 hours they had
8 to turn in the arrested people to the court.

9 Q. All right. Sir, what time did they leave the area of the
10 plane that day?

11 A. I would have to look at our records, but I think it's about
12 6:30 in the afternoon.

13 Q. So you searched -- is it fair to say that you searched this
14 plane from 9:30 a.m. to 6:30 p.m., is that fair to say? Yes or
15 no?

16 A. This is not exactly correct.

17 Q. Well, sir, would it be fair to say that you searched the
18 plane for at least four hours?

19 A. Yes.

20 Q. I'm sorry?

21 A. This is correct.

22 Q. Would it be fair to say that you searched it for at least
23 five hours?

24 A. We can say that also.

25 Q. Would it be fair to say that you searched the plane for at

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Milunic - Cross

1 least six hours?

2 A. Exact.

3 Q. And would it be fair to say that you searched the plane for
4 seven hours?

5 A. Correct.

6 Q. And how about eight hours? Could it have taken as long as
7 eight hours to search that plane?

8 A. I think that's approximately correct time.

9 Q. Now, isn't it a fact, sir, that you had three canine dogs
10 that were used in the search, isn't that true?

11 A. No, we only had one dog.

12 Q. Have you had any training with canines doing searches?

13 A. On a few occasions, I was observing my colleagues while
14 they were doing their work.

15 Q. On this particular day when you're doing this search, did
16 you search the wing areas of the plane on the outside?

17 A. We inspected, we searched, the whole plane.

18 Q. What about the wing areas on the outside? Did you search
19 those?

20 A. We were looking at everything, and we are trying to see if
21 possible there were some shelves.

22 Q. I'm sorry?

23 THE INTERPRETER: OK. He says we inspected the whole
24 plane, and we were looking if maybe there might be some
25 shelves.

LADHLan2

Milunic - Cross

1 Q. Sir, I want to talk about the outside of the plane itself.

2 Was there any part of the outside of the plane searched?

3 A. We did visual inspection to see if maybe outside of the
4 plane there was some shelves where something could have been
5 hidden.

6 Q. In fact, during this search, you witnessed members of the
7 search party open some part of each wing, isn't that true?

8 A. I can't recall this.

9 Q. What about the tail of the plane? Were you ever outside in
10 the back of the plane where the tail is and someone in the
11 search party opened the tail area to -- did you witness that?

12 A. I saw it.

13 Q. So you saw a member of the search team -- withdrawn.

14 Was it a mechanic that opened the tail area or a
15 member of the search team?

16 A. We were using the mechanics that work for the Croatian
17 airline.

18 Q. So is it fair to say that the reason that you looked at the
19 tail area is because you thought there was a possibility there
20 could be drugs in that tail area, isn't that true?

21 A. Yes, this is correct.

22 Q. So you're in this -- withdrawn.

23 The search lasts for eight hours. This is a small
24 plane, correct?

25 A. Yes.

LADHLan2

Milunic - Cross

1 Q. And you're telling this jury that -- withdrawn.

2 So during this eight hours, you were conducting a
3 search from the front of the plane to the back of the plane, is
4 that right? Sir, it calls for a yes-or-no answer.

5 A. Correct.

6 Q. Were you on the plane when the canine was in the plane?

7 A. No, I was outside of the plane.

8 Q. What about Mr. Seal, Mr. Adamu, and Mr. Landji, were they
9 in the plane?

10 A. I can't recall.

11 Q. Did you testify that during searches in Croatia, that the
12 people that are arrested have to be present during the search?
13 Did you testify about that?

14 A. Yes, I testified that.

15 Q. Would it be fair to say that a search that lasts eight
16 hours is a long search, is that fair to say?

17 A. Yes, we could say that.

18 Q. Now, have you said in the past that the reason the search
19 took so long was because you had to inventory items, is that
20 true?

21 A. Yes.

22 Q. And the items that you inventoried, were those inventoried
23 before you found the cocaine?

24 A. Correct.

25 Q. Would it be fair to say that the most important thing that

LADHLan2

Milunic - Cross

1 you wanted to find was cocaine or any other type of drug, is
2 that fair? I'll withdraw the question.

3 You had learned that this plane might be carrying
4 drugs, is that right? And it was -- I'm sorry.

5 A. Correct.

6 Q. And it was important for you to see if you could locate the
7 drugs on the plane, correct?

8 A. Correct.

9 Q. At what point during these eight hours did you find the
10 drugs?

11 A. It's about 16 hours, which means 4 p.m. we found the drugs.
12 Around 16 hours, which is 4 p.m.

13 Q. What time -- withdrawn.

14 So you're saying that you arrive at the airport at
15 9:30, and you find the drugs at 4 p.m., is that right?

16 A. Correct.

17 Q. Do you recall how many passenger seats were on this plane?

18 A. I'm not sure. Six or eight, maybe more.

19 MR. DUNN: Just have one moment.

20 Q. During this search, what were the other eight people doing?

21 A. With me inside the plane, there were other four officers.
22 The rest were standing around the plane.

23 Q. How many law enforcement officials were inside the plane
24 during this search?

25 A. Five.

LADHLan2

Milunic - Redirect

1 Q. Sir, so it's your testimony that it took you and all these
2 other officers until 4 p.m. to find the drugs, is that fair to
3 say? Yes or no?

4 A. Yes.

5 MR. DUNN: I have no further questions, your Honor.

6 THE COURT: Any redirect?

7 MR. HELLMAN: Briefly.

8 REDIRECT EXAMINATION

9 BY MR. HELLMAN:

10 Q. Why did the search take as long as it took?

11 A. After we have found the first objects on the seat of the
12 plane, we were taking evidence of those for about two hours.
13 After that, we continued with the search, taking apart the
14 whole plane. All the possible shelves we took apart. That is
15 why it lasted so long.

16 Q. When you were deciding which items from luggage to place
17 into evidence, were you discussing those items with the
18 defendants?

19 A. No.

20 Q. Did you ask the defendants if items were theirs or somebody
21 else's?

22 A. Only those questions.

23 Q. Were you having those conversations through an interpreter?

24 A. No. After the interpreter familiarized the suspects with
25 their rights, the interpreter left.

LADHLan2

Milunic - Redirect

1 Q. In what language did you speak with the defendants when
2 attempting to determine what items belonged to them?

3 A. In English. The leader of the search, Hrvoje Kralj, speaks
4 fluent English.

5 Q. So is it your testimony that the search took the amount of
6 time that it did because you went step by step through the
7 plane?

8 A. That's correct.

9 Q. You recovered some items from the plane which were
10 ultimately placed into evidence, correct?

11 A. That's correct.

12 Q. And you also found items like clothing and other personal
13 property which you returned to the defendants?

14 A. That's correct.

15 Q. Do you believe that you looked inside every compartment in
16 that plane and every piece of luggage on the plane as well?

17 MS. RENZLER: Objection.

18 THE COURT: Grounds?

19 MS. RENZLER: Leading.

20 THE COURT: Can you make it less leading.

21 MR. HELLMAN: I'll rephrase.

22 Q. Do you believe -- withdrawn.

23 What did you search on the plane, what areas?

24 A. The complete plane, starting with the cockpit, the
25 passenger area, and the storage area, and from the end of the

LADHLan2

Milunic - Recross

1 plane, the part of the tail that we opened.

2 MR. HELLMAN: So I have no other questions, but I
3 would ask that the witness repackage the items from Government
4 Exhibit 102 as the witness found them, and I'll provide tape
5 for the package to be sealed.

6 May I approach?

7 THE COURT: Yes.

8 BY MR. HELLMAN:

9 Q. Mr. Milunic, did you just close Government Exhibit 102?

10 A. I did.

11 Q. Did you place your initials on tape which you affixed to
12 the closure?

13 A. Yes, I did.

14 MR. HELLMAN: No other questions.

15 MR. DUNN: Your Honor, may I have a couple questions?

16 THE COURT: Yes.

17 RECROSS EXAMINATION

18 BY MR. DUNN:

19 Q. Sir, what was the most important thing that you took off
20 that plane after the search?

21 A. The cocaine.

22 Q. Now, the canine, it was your understanding the canine had
23 sniffed out evidence of cocaine in the cockpit and in the
24 storage area, correct?

25 A. That's correct.

LADHLan2

Kohut - Direct

1 Q. And you went to the cockpit area first, correct?

2 A. That's correct.

3 Q. Then it wasn't for seven or eight hours that you went back
4 to the storage area where you knew, because of the dog, that
5 there may be some drugs. It took you that long to get back
6 there, correct?

7 A. That's correct.

8 MR. DUNN: No further questions, your Honor. Thank
9 you.

10 THE COURT: Ms. Renzler, did you have anything else?

11 MS. RENZLER: No, your Honor.

12 THE COURT: The witness can step down. Government
13 call its next witness.

14 (Witness excused)

15 MR. HELLMAN: Government calls Anton Kohut.

16 THE INTERPRETER: Your Honor, may the interpreters be
17 excused?

18 THE COURT: Yes.

19 THE DEPUTY CLERK: Please step around, sir.

20 ANTON KOHUT,

21 called as a witness by the Government,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MR. HELLMAN:

25 Q. Good morning.

LADHLan2

Kohut - Direct

1 A. Good morning.

2 Q. Until recently, where did you work?

3 A. Until recently, I worked as a special agent at the U.S.
4 Drug Enforcement Administration in our office in Zagreb,
5 Croatia.

6 Q. How long were you part of the DEA?

7 A. A little over 23 and a half years.

8 Q. When did you leave?

9 A. I left on August 31, 2021.

10 Q. Why?

11 A. Family reasons.

12 Q. What was your last assignment when you were with DEA?

13 A. I was the acting country attaché of the DEA office in
14 Zagreb, Croatia.

15 Q. What were your responsibilities there?

16 A. I was primarily a liaison between DEA and the various
17 counter narcotics units in several countries of the former
18 Yugoslavia, to include Croatia.

19 Q. Where is the DEA's office located in Croatia?

20 A. It's in the U.S. embassy in Zagreb.

21 Q. In your capacity as an assistant country attaché in Zagreb,
22 were you aware of an investigation conducted by the DEA and
23 Croatian law enforcement involving Jean-Claude Landji, Jibril
24 Adamu, and others?

25 A. Yes, I am.

LADHLan2

Kohut - Direct

1 Q. Directing your attention to October 15, 2019, were you
2 working in Croatia at that time?

3 A. Yes, sir, I was.

4 Q. Did you have occasion to handle any evidence related to the
5 Landji and Adamu case that day?

6 A. Yes, I did.

7 Q. What did you handle?

8 A. Nondrug evidence that was given to me by the Croatian
9 National Police.

10 Q. What do you mean when you say "nondrug evidence"?

11 A. I mean material like electronic devices, phones, material
12 that is not actual narcotic matter.

13 Q. How were those items packaged when they were given to you?

14 A. They were in brown paper bags.

15 Q. Did you recognize the kind of brown paper bags that you
16 were given?

17 A. Yes. It's a type of wrapping that I have seen associated
18 with exhibits that are processed by the Croatian National
19 Police.

20 Q. Do you recall approximately how many bags you received?

21 A. I believe it was 19.

22 Q. Do you remember who in particular gave it to you?

23 A. Yes, Inspector Ivica Sestak of the Croatian National
24 Police.

25 Q. Do you recall if any other members of Croatian law

LADHLan2

Kohut - Direct

1 enforcement observed the transfer?

2 A. Yes. The transfer would have been witnessed. I believe it
3 was Inspector Tomislav Stambuk.

4 Q. Had you had occasion in your work in Croatia to work with
5 Ivica Sestak and Tomislav Stambuk before October 2019?

6 A. Yes, sir, many times.

7 Q. Where were you when you received that evidence?

8 A. I was in Inspector Sestak's office in Zagreb.

9 Q. Do you recall where that office is?

10 A. Yes. It's on Ilica Street, which is in the western part of
11 the city, part of a larger Minister of the Interior complex.

12 THE COURT: You'll have to spell that.

13 THE WITNESS: Sorry?

14 THE COURT: You'll have to spell that.

15 THE WITNESS: Oh, the street. Yes, your Honor. Ilica
16 is spelled I-l-i-c-a.

17 BY MR. HELLMAN:

18 Q. Can you describe generally what evidence you received that
19 day?

20 A. Yes. As I recall, it consisted of cell phones. I believe
21 there were some documents, although I don't remember
22 specifically all the items that were there.

23 Q. Had any inventory been prepared of the evidence you
24 received?

25 A. Yes. Inspector Sestak had prepared a very detailed

LADHLan2

Kohut - Direct

1 inventory of the items.

2 Q. What language was the inventory in?

3 A. It was -- it was one copy in Croatian and one copy in
4 English.

5 Q. Can you read Croatian?

6 A. Yes, I can.

7 Q. Why did you accept the evidence at that particular point in
8 time?

9 A. Well, we understood that Mr. Adamu and Mr. Landji were
10 about to be extradited to the United States on charter aircraft
11 accompanied by DEA and other members of law enforcement. We
12 knew that this evidence was no longer necessary in a Croatian
13 criminal proceeding but would be required in the Southern
14 District of New York, so we took the evidence to provide the
15 opportunity to transport it with the agents who were already
16 going to New York, escorting Mr. Landji and Mr. Adamu.

17 Q. After taking custody of the bags from Ivica Sestak, what
18 did you do with them?

19 A. I brought them back to the DEA office.

20 Q. What happened with them at that point?

21 A. They're maintained until such time, I think it was just a
22 couple of days later, that the extradition flight occurred.

23 Q. Did you provide those evidence bags to anyone in
24 particular?

25 A. Yes. That would have been country -- then country attaché

LADHLan2

Kohut - Direct

1 Matt Fihlman and/or Joe Catalano, another agent. Both of them
2 were on the flight.

3 Q. The flight meaning what?

4 A. Sorry. The extradition flight. This was a chartered
5 flight organized by the U.S. Marshal Service for the purpose of
6 transporting Mr. Adamu and Mr. Landji from Zagreb to New York.

7 Q. Did you see those bags again?

8 A. I did, yes.

9 Q. When?

10 A. I believe it was maybe a month or two after that, after
11 that flight.

12 Q. Where?

13 A. In the U.S. Attorney's Office, Southern District of New
14 York.

15 Q. What was their condition when you saw them at the U.S.
16 Attorney's Office?

17 A. The bags appeared the same to me, the same condition that I
18 got them.

19 Q. Were the bags sealed when you received them from Ivica
20 Sestak?

21 A. Yes, they were.

22 Q. And were they sealed when you observed them in the U.S.
23 Attorney's Office?

24 A. Yes.

25 Q. What did you do at the time you saw them in the U.S.

LADHLan2

Kohut - Direct

1 Attorney's Office with the bags?

2 A. Opened the bags and compared the inventory and began
3 looking at some of the evidence.

4 Q. What did you learn when you compared the contents of the
5 bags to the inventory that was provided with them?

6 A. It matched. The inventory matched the items that we
7 received.

8 Q. Did the bags include cell phones?

9 A. Yes, there were cell phones.

10 Q. Do you recall if the bags contained a hard drive?

11 A. Yes, as I recall, there was, I believe, one hard drive.

12 Q. Did there come a time you received any other evidence in
13 this case?

14 A. Yes, there did.

15 Q. Directing your attention to June 24, 2020, were you working
16 that day?

17 A. Yes, I was.

18 Q. Did you receive evidence that day?

19 A. I did, sir.

20 Q. What did you receive?

21 A. I received just under one kilogram of cocaine and some
22 packaging.

23 Q. From who?

24 A. That would have been from Inspector Ivica Sestak again.

25 Q. Where?

LADHLan2

Kohut - Direct

1 A. At his office in Zagreb.

2 Q. The same place you received the other evidence that you
3 described today?

4 A. Yes, sir, that is correct.

5 Q. So can you explain what exactly it was that you received
6 from Inspector Sestak?

7 A. Yes. I received a white powdery substance in a sealed
8 Ziploc bag that was contained within some brown wrapping. I
9 also received some other bags and packaging that was contained
10 in some brown paper wrapping.

11 Q. What kind of brown paper bags are we talking about?

12 A. Those that are commonly used by the Croatian police to seal
13 evidence.

14 Q. How exactly did these bags appear when you first arrived at
15 Sestak's office?

16 A. Well, one of them had some markings on it, labeling,
17 indicating that it had come from a forensic examination center
18 in Zagreb.

19 Q. Were the bags open or closed?

20 A. They were closed when they first had them, as I recall.

21 Q. Were they opened at some point in your presence?

22 A. Yes.

23 Q. Why?

24 A. I wanted to make sure what drug evidence that I was
25 receiving was something that at least appeared to be that which

LADHLan2

Kohut - Direct

1 was purported.

2 Q. And did you observe the opening of those bags?

3 A. Yes.

4 Q. What was contained within -- withdrawn.

5 Did you take custody of the bags at that point in
6 time?

7 A. I did, yes, sir.

8 Q. What did you do with those two bags?

9 A. I took them and their contents directly to the embassy in
10 Zagreb.

11 Q. To your office?

12 A. Yes, to my office.

13 Q. What did you do with them when you arrived at your office?

14 A. Specifically with the drugs, I then processed those as DEA
15 evidence, DEA evidence bag, witnessed its sealing in
16 preparation to be shipped via diplomatic pouch from the U.S.
17 embassy to the United States.

18 Q. Can you explain the diplomatic pouch. What does that mean?

19 A. Yes. Embassies, U.S. embassies, abroad have the ability to
20 send items and packages back to the United States in a really
21 secure way. A diplomatic pouch refers to a collection of items
22 that the embassy puts together for official business that are
23 then made into one package that is escorted by a diplomatic
24 courier on a flight from, say, Zagreb back to the United
25 States.

LADHLan2

Kohut - Direct

1 Q. How do you place -- what did you do with the drug evidence
2 prior to placing it in a diplomatic pouch?

3 A. Well, I had to put it into a DEA evidence bag and fill out
4 that label and sealing and signing and witnessing the sealing
5 of that label. I had to fill out what's referred to as a DEA
6 Form 7 and a DEA-6 that documents the acquisition of those
7 items. And then because they were going by diplomatic pouch, I
8 had to submit them to the embassy's pouch vault, which is a
9 special secure room, and I had to do some additional packaging
10 to prepare them to be shipped via diplomatic courier.

11 Q. Did you take all those steps?

12 A. I did, sir.

13 Q. What did you do with the other evidence that you had
14 recovered that day?

15 A. Yes, with the brown paper bags and the other packaging,
16 those were processed as nondrug exhibits.

17 Q. And what did you do -- how did you do that?

18 A. Oh, that was also putting them in DEA evidence bags and
19 sealing them, using the DEA Form 7A, a report to document their
20 acquisition, and then, ultimately, we shipped those via FedEx
21 to the United States.

22 Q. Did you have the ability -- withdrawn.

23 Was the diplomatic pouch designated to go anywhere in
24 particular after arriving in the United States?

25 A. The items -- there are many items in a given pouch

LADHLan2

Kohut - Direct

1 shipment, and often they have different destinations. So when
2 one puts -- submits them to the pouch, one has to designate
3 where it's going to go. In this case it was DEA special
4 testing laboratory, and I marked that accordingly.

5 Q. Where is that laboratory?

6 A. It's in Virginia.

7 Q. What about the other packaging that you said you shipped
8 via FedEx; where was that going?

9 A. That went to the DEA office in New York.

10 MR. HELLMAN: May I approach?

11 THE COURT: Yes.

12 Q. I've handed you what has been marked Government
13 Exhibit 101. Do you recognize it?

14 A. I do.

15 Q. What is it?

16 A. This is the evidence bag in which I sealed the cocaine that
17 I received on the 24th of June in Zagreb, Croatia.

18 Q. How do you know that?

19 A. Because of the markings and my signature on "sealed by" on
20 both the label and the sealed portion at the top of the bag.

21 Q. Is there anything about the bag which has changed from the
22 last time you saw it?

23 A. Yes.

24 Q. What?

25 A. For one, there's some additional stickers on the outside of

LADHLan2

Kohut - Direct

1 the bag. Additionally, on the bottom of the bag, it appears as
2 though that was opened and then later resealed. Finally, on
3 the main evidence label itself, there's a portion at the bottom
4 noted "for laboratory use only." That was blank when I sent it
5 to the lab. Some portions of that have subsequently been
6 filled in.

7 Q. What signatures, in particular, do you recognize on the
8 bag?

9 A. My signature and that of my former supervisor, Matt
10 Fihlman.

11 Q. Is the seal that you affixed to the bag still in place?

12 A. It is, sir.

13 Q. Can you tell if that seal has been opened?

14 A. It has not been opened.

15 Q. Is your signature also on that seal?

16 A. It is.

17 Q. Have you recently examined Government Exhibit 101?

18 A. Yes.

19 Q. When was that?

20 A. Within the last couple of days.

21 Q. Where?

22 A. In the U.S. Attorney's Office.

23 Q. Prior to that, when was the last time you saw it?

24 A. When I would have put it into the pouch.

25 Q. Now, I think in the witness booth with you are also

LADHLan2

Kohut - Direct

1 Government Exhibits 102 and 103.

2 A. Yes, sir.

3 Q. Could you pick those up, please, starting with Government
4 Exhibit 102.

5 Do you recognize that?

6 A. Yes. One contains the packaging in which the drugs that
7 the Croatian police analyzed were placed, and the other
8 consists of bags of what I understand to be the original
9 packaging from the time of the seizure.

10 Q. Do you recognize, are you able to, how many DEA evidence
11 bags -- starting with Government Exhibit 102, how many DEA
12 evidence bags do you see?

13 A. Let's see. I see at least two. I can remove contents to
14 check?

15 Q. Do you see a white strip of tape at the top, a white strip
16 of tape?

17 A. Yes, I do, with the initials TM.

18 Q. OK. Is that tape open?

19 A. It is. It is open.

20 Q. All right. Yes, please remove the inner bag and tell us if
21 you recognize anything about that bag.

22 A. Yes, this is the bag that we used to seal this evidence
23 once we received it from Inspector Sestak.

24 Q. What do you recognize about that bag?

25 A. I notice my name and signature, as well as my former boss

LADHLan2

Kohut - Direct

1 on the main evidence label and as well on the original seal on
2 the top.

3 Q. Does it appear that that bag has been opened since the time
4 you sealed it?

5 A. It has.

6 Q. Where on the bag was it opened?

7 A. On the bottom.

8 Q. Would you please take a look at Government Exhibit 103.

9 A. Yes, sir.

10 Q. What do you recognize about Government Exhibit 103?

11 A. I see a New York DEA evidence label. Below that is what
12 appears to be my original label. However, the outer bag is
13 still sealed.

14 Q. So the outermost bag, is that the bag that has the DEA
15 New York label on it?

16 A. Yes, sir.

17 Q. Do you recognize any of the names on that label?

18 A. I recognize Special Agent Jeff Stratton.

19 Q. All right. Was there also a DEA New York label on the
20 outermost bag of Government Exhibit 102 that you just
21 inspected?

22 A. Yes, sir, there is.

23 Q. What name do you recognize from that label, if any?

24 A. The same name, Special Agent Jeff Stratton.

25 Q. Turning back to Government Exhibit 103, then, do you

LADHLan2

Kohut - Direct

1 believe you can see a bag that you signed inside of that
2 exterior bag?

3 A. Yes. In fact, I see a portion of my name and my former
4 boss' name on the label of the innermost bag.

5 Q. Is there a pair of scissors in the witness box?

6 A. Not that I can see.

7 Q. All right. Well --

8 A. Oh, I'm sorry. Yes, down here I did see some. I have
9 scissors.

10 Q. Have you reviewed Government Exhibit 103 recently?

11 A. Yes.

12 Q. How recently?

13 A. Within the past couple days at the U.S. Attorney's Office.

14 Q. All right. Just a moment, please.

15 May I approach?

16 THE COURT: Yes.

17 (Counsel confer)

18 BY MR. HELLMAN:

19 Q. All right. I took Government Exhibit 103 from you, but
20 I've handed it back to you.

21 At this time I would like to ask that Mr. Kohut open
22 Government Exhibit -- the outermost bag of Government
23 Exhibit 103.

24 THE COURT: All right.

25 A. I have done so.

LADHLan2

Kohut - Direct

1 Q. All right. Have you removed the outermost DEA bag from
2 Government Exhibit 103?

3 A. Yes, sir.

4 Q. Are you able to see the label now on Government Exhibit 103
5 that you were partially describing earlier?

6 A. I am, yes.

7 Q. What do you recognize about that label?

8 A. I recognize that this documents the nondrug exhibit created
9 on that date after I received the material from Inspector
10 Sestak. I see my name and signature and that of my former
11 boss, Matt Fihlman, on the label and on the seals at the top.

12 MR. HELLMAN: Government offers Government Exhibit 103
13 in evidence.

14 THE COURT: Any objection?

15 MR. TREMONTE: Your Honor, may we have a moment to
16 confer?

17 THE COURT: Yes.

18 (Counsel confer)

19 MS. CISTARO: Your Honor, we would object to the
20 admission.

21 THE COURT: All right. Ladies and gentlemen, we're
22 going to take our midmorning recess. Don't discuss the case.
23 Keep an open mind. We'll be back to you in about 15 minutes or
24 so. Thank you very much.

25 (Jury excused)

LADHLLan2

1 (Jury not present)

2 THE COURT: The witness can step down.

3 THE WITNESS: Thank you, your Honor.

4 THE COURT: Please be seated.

5 What's the basis for the objection?

6 MS. CISTARO: Judge, we're objecting under Rule 901.

7 THE COURT: I can't hear you.

8 MS. CISTARO: Judge, we're objecting under Rule 901.

9 We're not quite clear as to what the bag is purporting to be.

10 And its relevance in --

11 THE COURT: All right. You want to explain that,
12 Mr. Hellman.

13 MR. HELLMAN: The witness has testified that the bag
14 is the bag that was provided to him by Inspector Sestak which
15 contained cocaine which he then sent to the DEA laboratory.
16 It's very clear what this bag is.

17 THE COURT: Can I see the bag, please.

18 (Continued on next page)

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Ladnlan3

Kohut - Direct

1 THE COURT: It seems to me the witness has described
2 the contents of the bag. I guess I should say for the record
3 that Government Exhibit -- I am not seeing a government sticker
4 on this.

5 MR. HELLMAN: I'm sorry, your Honor. The outermost
6 bag was removed.

7 THE COURT: Okay.

8 MR. HELLMAN: I can provide it to your Honor.

9 THE COURT: All right. So this is Government Exhibit
10 103 that we are looking at. I guess the first thing I should
11 say for the record is it doesn't include the cocaine.

12 It includes a brown paper bag bearing the markings of
13 the Croatian national police, and there's also a sticker on the
14 outside of the evidence bag from the Drug Enforcement
15 Administration. So it frankly seemed to be a fairly innocuous
16 exhibit to me, but, anyway, tell me what your objection is.

17 MS. CISTARO: Your Honor, if the government is
18 offering this exhibit for the purposes of Agent Kohut's
19 testimony, that he received this bag from Inspector Sestak,
20 then we don't have an objection to that.

21 THE COURT: Does Landji have an objection to 103?

22 MS. RENZLER: No, your Honor.

23 THE COURT: All right. So when the jury comes back I
24 will receive 103.

25 Mr. Hellman, how much longer do you have with the

Ladnlan3

Kohut - Direct

1 agent?

2 MR. HELLMAN: A question or two at most.

3 THE COURT: All right. How much cross-examination is
4 there going to be of Agent Kohut?5 MS. CISTARO: I don't anticipate it being very long at
6 all, your Honor.

7 MS. RENZLER: Little, if any, your Honor.

8 THE COURT: Okay. So then who is next, Mr. Hellman?

9 MR. HELLMAN: Mr. Cardona.

10 THE COURT: Okay. All right.

11 So we will take a recess. Mr. Dunn?

12 MR. DUNN: Your Honor, I just want to voice a concern
13 at about 9:45 this morning I found out that from the marshals
14 and my client that they have been ordered to pack up and
15 tomorrow morning they are going to MDC.16 Based on that, I sent an e-mail to Nicole McFarland,
17 the legal person over at MCC, and asked to make arrangements to
18 see Mr. Adamu tonight. I was advised that they don't have
19 attorney visits after the count, which is around 4:00. I
20 explained the situation to her and she said she would get back
21 to me. She understands, she would get back to me, but as of
22 now I haven't heard. I just wanted to alert your Honor.23 THE COURT: All right. Well, we will be breaking at
24 2:30. Will you be able to see him then or not?

25 MR. DUNN: I could, but it is my understanding in

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Kohut - Direct

1 discussions with the marshals that he gets back at 3:15, 3:30,
2 and that's when they basically start the count. So the odds
3 are low. But, again, I haven't heard back from Ms. McFarland
4 maybe things will change. I will keep you apprised.

5 MR. BIALE: It is our understanding from Mr. Landji
6 that the packing up included BOP officials taking all of his
7 discovery and everything that he had been using to participate
8 in his defense. Hopefully he will get that back as soon as he
9 gets to the MDC, but I just wanted to alert the Court about
10 that concern.

11 THE COURT: Mr. Hellman, could you please alert the
12 folks dealing with Mr. Landji's move that it is absolutely
13 critical that his legal materials get back to him given the
14 fact that we are in the middle of the trial. I don't want to
15 hear from defense counsel that everything has been lost or it
16 hasn't been given to him because that risks disrupting the
17 trial. So I am going to ask you either yourself or to have
18 somebody else get in touch with the people at the Bureau of
19 Prisons who are dealing with Mr. Landji's materials, explain
20 the significance of where we are, in the middle of trial, the
21 man needs access to his legal materials, and we can't have a
22 situation where everything gets lost, because if we do, then we
23 are going to have a delay in the trial.

24 So please try to make sure that this move goes forward
25 in such a way that we don't have a disruption caused by loss of

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1 discovery and legal materials and so forth. Okay?

2 MR. HELLMAN: Yes.

3 MR. DUNN: Your Honor, I just would note that concerns
4 Mr. Adamu too.

5 THE COURT: Yes. The same concern for Mr. Adamu.

6 MR. HELLMAN: Of course.

7 THE COURT: We are in the middle of trial. I
8 understand they're closing down the MCC. Obviously there's
9 nothing I can do about that, but what it does mean is that
10 these men are going to be moved, and it's critically important
11 that they have access to their materials after the move.

12 So we kind of need special handling. That's what we
13 need. We need special handling. We are in the middle of
14 trial. We can't have a disruption caused by loss of legal
15 papers.

16 MR. HELLMAN: I will bring the resources of my office
17 to bear on this issue. I understand that we are on a break
18 now, and Mr. Kohut's remaining testimony is brief, but in light
19 of the fact that the next witness is a cooperating witness in
20 custody, I imagine there will be a brief break at that time
21 where I can start making arrangements to address that issue.

22 THE COURT: So you want me to send the jury out again?

23 MR. HELLMAN: It's my understanding that that is
24 standard practice when an in-custody witness is brought out.

25 THE COURT: All right. Of course, nothing about this

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1 whole proceeding is standard.

2 MR. HELLMAN: Of course.

3 THE COURT: There isn't anything that's standard
4 that's going on. One of the things that's not standard it
5 takes about ten minutes to get the jury back and forth. But if
6 that's what we have to do, that's what we have to do. So if
7 you're telling me I need to take another recess, frankly, if I
8 knew that I wouldn't have taken a recess then. I would have
9 pushed through with Kohut and finished him and then taken a
10 recess. But lesson learned. If I have to take a recess after
11 Agent Kohut is done, then that's what I will do.

12 All right. We'll take about ten more minutes, I
13 guess.

14 (Recess)

15 THE COURT: Please be seated.

16 MR. HELLMAN: Your Honor, I during the intervening
17 period reached out to Nicole McFarland about that issue, and I
18 will advise the Court if I hear back, that is, the return of
19 the defendants' papers.

20 Secondly, I conferred with the U.S. marshals assisting
21 with the trial. They are able to bring Mr. Cardona out while
22 the jury is present, so there's no need to take a second break.

23 THE COURT: All right. Thank you, sir.

24 MS. TARLOW: Your Honor, may I address one additional
25 logistical issue.

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1 We expect that when Mr. Cardona is testifying, he will
2 testify about certain recordings for which government has
3 transcripts in a transcript binder. We can distribute those
4 transcript binders at the appropriate time to the jurors or we
5 can place them on their chairs now, whatever your Honor
6 prefers.

7 THE COURT: Why don't you place them under their
8 chairs.

9 MS. TARLOW: Thank you, your Honor.

10 THE COURT: Agent Kohut can retake the stand.

11 (Witness resumed)

12 (Continued on next page)

Ladnlan3

Kohut - Direct

1 (Jury present)

2 THE COURT: Please be seated.

3 Mr. Hellman, is the government offering Government
4 Exhibit 103?

5 MR. HELLMAN: Yes.

6 THE COURT: I understand there's no objection to 103.

7 MS. RENZLER: Correct, your Honor.

8 MS. CISTARO: That's correct, your Honor.

9 THE COURT: All right.

10 Government Exhibit 103 is received.

11 (Government Exhibit 103 received in evidence)

12 THE COURT: Please proceed, Mr. Hellman.

13 BY MR. HELLMAN:

14 Q. Mr. Kohut, do you still have the interior DEA evidence bag
15 from Government Exhibit 103 with you?

16 A. Yes, sir, I do.

17 Q. Could you pick it up.

18 A. I have it with me, sir.

19 Q. So now inside of that evidence bag is -- what's inside that
20 evidence bag?

21 A. Some brown paper wrapping and a label in white paper.

22 Q. What do you believe that bag to be?

23 A. The packaging which the cocaine that was turned over to me
24 on the 24th of June came in.

25 Q. Are you able to read that label?

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Kohut - Cross

1 A. Yes.

2 Q. What does it say?

3 A. It notes, from the Republic of Croatia, Ministry of
4 Internal Affairs, Center for Forensic Testing and Analysis,
5 Ivan Vucidic. And it notes here from the headquarters of the
6 police, criminal police service, organized crime fight against
7 corruption service, service for drugs, in the matter of John
8 Claude Okongo Landji.

9 MR. HELLMAN: No other questions.

10 THE COURT: Cross-examination.

11 MS. RENZLER: Nothing for Mr. Landji.

12 THE COURT: All right.

13 MS. CISTARO: Yes, your Honor.

14 Thank you.

15 CROSS-EXAMINATION

16 BY MS. CISTARO:

17 Q. Good afternoon, Agent Kohut.

18 A. Good afternoon, ma'am.

19 Q. You are aware that allegedly one kilo of cocaine was found
20 on the aircraft on October 30, 2018, correct?

21 A. I am aware of that, yes.

22 Q. And you are aware that it was found in a storage closet,
23 correct?

24 A. It was found on an airplane.

25 Q. Okay. Through your investigation at some point you learned

Ladnlan3

Kohut - Cross

1 that it was found in the storage closet, correct?

2 MR. HELLMAN: Objection.

3 THE COURT: Sustained.

4 BY MS. CISTARO:

5 Q. Isn't it true that the Croatian police maintained custody
6 of the alleged kilo of cocaine?

7 A. Yes.

8 Q. And the Croatian police also processed the drugs, correct?

9 A. Yes.

10 Q. And it's your understanding that the drugs were seized on
11 October 31, 2018, correct?

12 A. I don't recall if it was the 30th or 31st, but it was
13 around that time, yes.

14 Q. And you reviewed your reports, case notes, and other
15 documents in preparation of your testimony today, correct?

16 A. Some of them, yes.

17 Q. Okay. As part of your job, you completed certain DEA
18 forms, correct?

19 A. That is correct.

20 MS. CISTARO: Judge, may I approach the witness?

21 THE COURT: Yes.

22 BY MS. CISTARO:

23 Q. I'm showing the witness what's been marked for
24 identification purposes as Defense Exhibit AAA.

25 Do you recognize that document?

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Kohut - Cross

1 A. Yes, ma'am, I do.

2 Q. And what do you recognize it to be?

3 A. It's a DEA Form 7 documenting what DEA refers to as an
4 information-only report of seizure of approximately one
5 kilogram of suspected cocaine on October 30, 2018.

6 Q. And that document bears your signature, correct?

7 A. It does not, but I prepared the form.

8 Q. Sir, do you see an item No. 24, backslash, S, backslash --

9 A. Yes.

10 Q. -- Anton C. Kohut Special Agent?

11 A. Yes.

12 Q. That is your electronic signature?

13 A. Ah, yes, that's correct, yes.

14 Q. Below your electronic signature is October 2, 2018,
15 correct?

16 MR. HELLMAN: Your Honor, I have an objection.

17 THE COURT: Grounds?

18 MR. HELLMAN: The document has been handed to the
19 witness. I don't understand the hearsay exceptions.

20 THE COURT: Are you offering the exhibit?

21 MS. CISTARO: Yes, your Honor, I am going to move to
22 admit Defense Exhibit AAA.

23 THE COURT: Do you object?

24 MR. HELLMAN: No, that's fine.

25 THE COURT: Defense Exhibit AAA is received in

Ladnlan3

Kohut - Cross

1 evidence.

2 (Defense Exhibit AAA received in evidence)

3 BY MS. CISTARO:

4 Q. As I stated, Agent Kohut, the date below your electronic
5 signature is October 2, 2018, correct.

6 A. I see that, yes.

7 Q. And that's 28 days before the aircraft even arrived in
8 Zagreb, Croatia, isn't that true?

9 A. That is true, yes, ma'am.

10 Q. In the remarks portion, No. 23, you also indicate that the
11 Croatian customs officials found a kilo of cocaine on October
12 30, 2019, isn't that correct?

13 A. That is correct.

14 Q. Which is a year after the alleged cocaine was found in the
15 storage closet of the aircraft, correct?

16 A. That is correct.

17 Q. And your supervisor at the time, Special Agent Matthew
18 Fihlman, he signed this document on September 13, 2019,
19 correct?

20 A. Yes. That's what's on the paper.

21 Q. Again, the Croatian officials maintained custody of the
22 drugs, correct?

23 A. Yes.

24 Q. On direct examination you indicated that you met with
25 Inspector Ivica Sestak on June 24, correct?

Ladnlan3

Kohut - Cross

1 A. Of 2020, yes.

2 Q. At that time you met in order to obtain a kilo of cocaine,
3 true?

4 A. Yes, ma'am.

5 Q. And you indicated that was the first time you had seen the
6 drugs in this case at all, correct?

7 A. That is correct, yes, ma'am.

8 Q. So you do not know how the alleged kilo of cocaine was
9 maintained with the Croatian national police, true?

10 A. If you mean precisely where and by whom within the Croatian
11 police, no, I do not.

12 Q. Okay. On June 24, 2020, you took custody of the drugs,
13 correct?

14 A. Yes, ma'am.

15 MS. CISTARO: Your Honor, may I approach the witness?

16 THE COURT: Yes.

17 Q. I'm showing you what's been marked as Defense Exhibit BBB
18 for identification purposes. Do you recognize that document?

19 A. Yes, ma'am, I do.

20 Q. How do you recognize that document?

21 A. I see the Zagreb -- actually, I don't see the Zagreb case
22 number. I do see my name and my then supervisor's name, and I
23 recognize this is a DEA Form 7.

24 Q. And that document also bears your electronic signature in
25 item No. 24, correct?

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Kohut - Cross

1 A. That is correct.

2 MS. CISTARO: Your Honor, we would move to admit
3 Defense Exhibit BBB.

4 THE COURT: Any objection?

5 MR. HELLMAN: That's fine.

6 THE COURT: Defense Exhibit BBB is received.

7 (Defense Exhibit BBB received in evidence)

8 Q. In that document, Agent Kohut, you indicated that you met
9 with Ivica Sestak on June 24, 2020, correct?

10 A. That is correct.

11 Q. You took custody of the drugs, correct?

12 A. Yes.

13 Q. And you have no idea how those drugs were maintained by the
14 Croatian police department from October 30 to June 24, 2020?

15 A. I would imagine it was maintained in accordance with
16 Croatian police protocol.

17 Q. Okay. But your own personal knowledge, you do not have any
18 personal knowledge with respect to how those drugs were
19 maintained with the Croatian law enforcement authorities,
20 correct?

21 A. That is correct.

22 Q. Now, on this document it also indicates that your
23 supervisor, Special Agent Matthew Fihlman, signed off on this
24 document on September 28, 2020, correct?

25 A. Yes.

Ladnlan3

Kohut - Cross

1 Q. Okay. Your testimony on direct examination is that you had
2 placed the drugs in an embassy pouch?

3 A. That's correct.

4 Q. And then that pouch was given to a courier?

5 A. Yes. The embassy organization organized periodically what
6 is called a diplomatic pouch run, where several packages from
7 the embassy, this being just one of them, are sent as one
8 collective shipment accompanied by a diplomatic courier.

9 Q. Now, prior to that, you separated the packaging from the
10 cocaine and you shipped them in separate mailings, correct?

11 A. That's correct.

12 Q. In fact, you took the packaging from the cocaine, and you
13 sent it via Federal Express, by mail, correct?

14 A. That's correct, yes. Either that or UPS. Usually it's
15 FedEx.

16 Q. Okay. So you didn't have any personal knowledge as to what
17 happened to that packaging from the moment you put it in the
18 envelope, correct?

19 A. Other than knowing that it was received on the other end.

20 Q. Now, when the drugs were kept in the Croatian police
21 department, it's fair to say you don't know who had access to
22 those drugs either, correct?

23 A. No, I don't know any list of individuals who had access.

24 Q. At the embassy, when you dropped off the pouch, you don't
25 know who, if anyone, had access to that pouch prior to it being

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Kohut - Cross

1 delivered to the courier, correct?

2 A. Actually, that room, that specific vault room is very well
3 controlled by the embassy, I believe there's only two or three
4 individuals at a given embassy who are authorized to access
5 that room.

6 Q. Okay. Then, your personal knowledge, you have no idea if
7 anyone accessed that pouch, correct?

8 A. I did not maintain any visual observation of it after such
9 time that I deposited it in the pouch for shipment.

10 Q. So you had no visual observation from the time you dropped
11 it off to the time it was delivered in the United States, isn't
12 that true?

13 A. That is correct, ma'am, yes.

14 Q. So from June 24, 2020, to September 10, 2020, you had no
15 personal knowledge as to whether anyone accessed the drugs,
16 correct?

17 A. Correct.

18 Q. In fact, the drugs were not delivered to the Department of
19 Justice DEA administration special testing and research
20 laboratory until September 10, 2020, isn't that true?

21 MR. HELLMAN: Objection. Foundation.

22 THE COURT: Overruled.

23 A. I don't know the exact date, ma'am --

24 Q. Okay.

25 A. -- when they were --

Ladnlan3

Kohut - Cross

1 Q. Would showing you this document refresh your recollection?

2 A. Which document?

3 Q. I can't hear. I'm sorry.

4 THE COURT: What document?

5 Q. I'm showing you the lab report that indicates when the
6 drugs were received.

7 THE COURT: All right. If you want to approach to
8 hand him something, you may do that.

9 MS. CISTARO: Thank you, your Honor.

10 THE COURT: If you are going to show him something, it
11 has to be marked as an exhibit.

12 MS. CISTARO: It is, your Honor.

13 THE COURT: Okay.

14 Q. I'm showing you what's been marked as Defense Exhibit CCC
15 for identification purposes only. Please read that document
16 over and look up when you're finished.

17 Now, according to that document, which is the
18 laboratory in the United States, in Virginia, the laboratory
19 received the drugs --

20 MR. HELLMAN: Objection.

21 THE COURT: Sustained. You have to ask a question.

22 BY MS. CISTARO:

23 Q. Does that document refresh your recollection as to when the
24 drugs were received by the laboratory?

25 A. Well, I had no prior knowledge or recollection of the date,

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Kohut - Cross

1 but as I look at it I see a date on here.

2 Q. Okay. So that refreshes your recollection, correct?

3 MR. HELLMAN: Objection.

4 THE COURT: No, he said he never knew, so it can't
5 refresh his recollection.

6 MS. CISTARO: Okay. May I approach to take that?

7 THE COURT: Of course.

8 MS. CISTARO: Thank you.

9 BY MS. CISTARO:

10 Q. When you received the packaging and the kilo of cocaine
11 from Inspector Sestak, you didn't have those packaging dusted
12 for fingerprints, correct?

13 A. I did not, no.

14 Q. And you didn't have it checked for DNA, correct?

15 A. I did not have means of doing that in Zagreb, no.

16 Q. To your knowledge, the Croatian police department didn't
17 advise you that they had dusted for fingerprints, correct?

18 A. I don't recall one way or the other.

19 Q. And they also did not advise you that there was any DNA
20 testing done on the packaging, correct?

21 A. I don't recall that either.

22 MS. CISTARO: Thank you. I have no further questions.

23 THE COURT: All right.

24 Anything else, Mr. Hellman?

25 MR. HELLMAN: Briefly.

Ladnlan3

Kohut - Redirect

1 REDIRECT EXAMINATION

2 BY MR. HELLMAN:

3 Q. Mr. Kohut, do you still have Defense AAA in front of you?

4 A. I do not.

5 MR. HELLMAN: May I approach?

6 THE COURT: Yes.

7 BY MR. HELLMAN:

8 Q. Do you have it now?

9 A. I do, sir.

10 Q. Were you asked questions about dates that appear on that
11 form?

12 A. Yes, I remember.

13 Q. What is your understanding of the dates that are on that
14 form with respect to your signature?15 A. That the dates that were typed in and filled on this in
16 some cases are before or after the event.

17 Q. Why is that?

18 A. These were typos, administrative errors, typos.

19 Q. I'm sorry?

20 A. Typos.

21 Q. What is Defense Exhibit AAA? What kind of a form is that?

22 A. It is a DEA 7.

23 Q. What is the purpose of a DEA 7?

24 A. Report of drug property collected, purchased, or seized.

25 Q. And what particular property is memorialized in that DEA 7?

Ladnlan3

Kohut - Redirect

1 A. Brick-shaped object containing approximately one kilogram
2 of cocaine reported for information purposes.

3 Q. What does that mean?

4 A. Information purposes?

5 Q. Yes.

6 A. It means that DEA never took custody of this item. There
7 was no actual seizure. This is a mechanism that DEA uses to
8 simply report an event that happened by another law enforcement
9 agency, in this case the seizure of cocaine by the Croatian
10 police.

11 Q. Why create such a form? What's the purpose?

12 A. It's a requirement just to keep track and records of
13 statistics, amounts of drugs seized, amounts of drugs that were
14 obtained relative to a given investigation.

15 Q. Did you have an understanding that the drugs seized as
16 memorialized in that Form 7 would eventually be used in
17 connection with a United States prosecution?

18 A. I imagine that it would.

19 Q. Is that part of why the form is created?

20 A. Yes. Although whenever we do any sort of bilateral or
21 multilateral investigation, if foreign counterparts do a
22 seizure, we would prepare this form in any case, even if the
23 drugs weren't coming to the U.S.

24 Q. Did you prepare a separate form when you actually received
25 drug evidence in this case?

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Kohut - Redirect

1 A. I did. I believe that was Exhibit BBB.

2 Q. BBB that you viewed previously?

3 A. Yes. Either that or the CCC. I think it was BBB.

4 Q. That is the form this memorializes your actual receipt of
5 the property?

6 A. That is correct, sir.

7 MR. HELLMAN: I have no other questions.

8 Unless there is any reason not to, I would ask Special
9 Agent Kohut to seal Government Exhibit 103.

10 THE COURT: All right. Please seal it, Mr. Kohut.

11 THE WITNESS: Yes, your Honor.

12 MR. HELLMAN: Sorry, if I could, just one other
13 question.

14 THE COURT: Go ahead, Mr. Hellman.

15 BY MR. HELLMAN:

16 Q. Mr. Kohut, with respect to Defense Exhibit AAA, if there
17 are dates in that form which you say are in error, what are
18 those dates and what should they be?

19 A. Well, under my signature it lists the 2nd of October, 2018.
20 That should have been on or immediately after shortly after
21 10/30/2018.

22 The supervisor signature is 9/13/2019. Again, that
23 should have been sometime shortly after the end of October of
24 2018.

25 MS. CISTARO: Objection. Speculation.

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Kohut - Redirect

1 THE COURT: Sustained.

2 BY MR. HELLMAN:

3 Q. With respect only to dates that you personally entered on
4 that form, which date would that be?

5 A. There were two. Actually, I entered the date on three
6 different occasions. On the top, in item 7, 10/30/2018. In
7 Section 23 the narrative section, I wrote 10/30/2019. That
8 should have been 10/30/2018. And then below my signature is
9 listed 10/2/2018. That should have been on or after
10 10/30/2018.

11 Q. So the correct date is the first one that you had marked on
12 the form?

13 A. Yes, correct.

14 Q. May I approach the witness with tape and a marker?

15 THE COURT: Yes.

16 MR. HELLMAN: Thank you. No other questions.

17 MS. RENZLER: Your Honor, I just have one clarifying
18 question.

19 THE COURT: He has not finished yet.

20 (Continued on next page)

LADHLan4

Kohut - Cross

1 THE COURT: Anything else, Mr. Hellman?

2 BY MR. HELLMAN:

3 Q. Mr. Kohut, did you place tape and your signature over
4 closures of bags which are marked Government Exhibit 102 and
5 103 just now?

6 A. Yes, sir, I did.

7 MR. HELLMAN: That's all.

8 THE COURT: All right. Ms. Renzler, did you have
9 something?

10 MS. RENZLER: Yes, just one question, your Honor.

11 THE COURT: All right.

12 CROSS-EXAMINATION

13 BY MS. RENZLER:

14 Q. Good afternoon.

15 A. Good afternoon, ma'am.

16 Q. I just want to make sure the record is clear on one point.
17 Just to confirm, you received the packaging in Government
18 Exhibit 102 separately from the alleged cocaine, correct?

19 A. At the same time I received them, yes.

20 Q. But they were separated from each other?

21 A. I believe, as I recall, Inspector Sestak opened the
22 packaging to show me the actual exhibit at that time when I
23 received them.

24 MS. RENZLER: Thank you.

25 THE COURT: All right. Anything else?

LADHLan4

Kohut - Recross

1 MS. CISTARO: Yes, your Honor, just a few questions.

2 RECROSS EXAMINATION

3 BY MS. CISTARO:

4 Q. Agent Kohut, it's your testimony is that the multiple
5 errors in Defense Exhibit AAA are just typos?

6 A. Yes, those are administrative errors.

7 Q. And it's your testimony that your signature that predates
8 the arrival of the aircraft in Croatia is just a typo?

9 A. The date is not auto-populated when an electronic signature
10 is done in our signature.

11 Q. So you signed the document attesting to your signature and
12 the contents of that document, and you're saying it was
13 auto-generated?

14 A. No, I'm not saying -- I'm saying the opposite. That date
15 is not auto-generated.

16 Q. OK.

17 A. It is manually input.

18 Q. So that's a typo, correct?

19 A. Correct.

20 Q. And that typo is 28 days prior to the arrival of the
21 aircraft in Croatia, true?

22 A. That is correct, yes, ma'am.

23 Q. So it's fair to say that you've made multiple mistakes,
24 correct?

25 A. I made some administrative errors on this form, yes, ma'am.

LADHLan4

Cardona-Cardona - Direct

1 MS. CISTARO: Thank you. No further questions.

2 THE COURT: All right. Anything else?

3 MR. HELLMAN: No, thank you.

4 THE COURT: All right. You may step down, sir.

5 THE WITNESS: Thank you, your Honor.

6 (Witness excused)

7 THE COURT: All right. The government can call its
8 next witness.

9 MR. HELLMAN: The government calls David
10 Cardona-Cardona. Your Honor, if I may, I'll remove the
11 exhibits from the witness stand.

12 THE COURT: Yes, please do. Thank you.

13 DAVID CARDONA-CARDONA,

14 called as a witness by the Government,

15 having been duly sworn, testified as follows:

16 THE COURT: Please proceed.

17 MS. TARLOW: Thank you, your Honor.

18 DIRECT EXAMINATION

19 BY MS. TARLOW:

20 Q. Good afternoon. What is your full name?

21 A. My name is David Cardona-Cardona.

22 Q. Do you have any nicknames?

23 A. Yes. Ramon, Carlos, them.

24 Q. How old are you?

25 A. I'm 57 years old.

LADHLan4

Cardona-Cardona - Direct

1 Q. And where were you born?

2 A. I was born in the city of Pereira, Colombia.

3 Q. Where do you live?

4 THE COURT: Can you spell that, the name of the place.

5 THE WITNESS: P-e-r-e-i-r-a, Pereira.

6 THE COURT: Go ahead.

7 Q. And where do you live now?

8 A. Right now I live in Newark, in prison.

9 Q. What crimes are you currently in prison for?

10 A. I'm in for conspiracy to transport and distribute cocaine,
11 conspiracy to transport and distribute weapons, and conspiracy
12 of narco-terrorism.

13 Q. Did you plead guilty to those crimes?

14 A. Yes.

15 Q. And did you make that plea with a cooperation agreement?

16 A. Yes.

17 Q. As you sit here today, do you face a mandatory minimum
18 sentence?

19 A. Yes.

20 Q. What is that mandatory minimum sentence?

21 A. Twenty years.

22 Q. Approximately when did you commit the crimes that you have
23 pled guilty to?

24 A. Between October of 2017 and October of 2018.

25 Q. What kinds of drugs did you plead guilty to conspiring to

LADHLan4

Cardona-Cardona - Direct

1 distribute?

2 A. Cocaine.

3 Q. Did you distribute cocaine by yourself or with others?

4 A. With others.

5 Q. So now I'd like you to look around the courtroom. Do you
6 recognize anyone with whom you distributed drugs?

7 A. Yes, I actually do. So to my right at a diagonal is Jibril
8 Adamu, and Jean-Claude is right behind him.

9 Q. Can you please first identify Mr. Adamu by an article of
10 clothing that he is wearing.

11 A. Yes. He's wearing a light gray jacket, suit jacket, and a
12 light blue shirt under his jacket, and he is to the right of an
13 older gentleman with salt-and-pepper hair.

14 MS. TARLOW: Your Honor, let the record reflect that
15 the witness has identified Mr. Adamu.

16 THE COURT: Yes, the record will so reflect.

17 Q. Mr. Cardona, can you please now identify Mr. Landji by an
18 article of clothing that he is wearing.

19 A. Yes. He's wearing a darker suit jacket, and he's right
20 behind Jibril.

21 MS. TARLOW: Your Honor, let the record reflect that
22 the witness has identified Mr. Landji.

23 THE COURT: The record will so reflect.

24 MS. TARLOW: Mr. Minikel, can you please pull up what
25 is marked for identification as Government Exhibit 201 for the

LADHLan4

Cardona-Cardona - Direct

1 Court, the witness, and the parties.

2 Q. Do you recognize who this is?

3 A. Yes. This is Jean-Claude.

4 MS. TARLOW: And now, Mr. Minikel, if you can please
5 show the witness, the Court, and the parties, Government
6 Exhibit 202.

7 Q. Do you recognize who this is?

8 A. This is Jibril Adamu.

9 MS. TARLOW: And now, Mr. Minikel, if you can please
10 pull up what is marked for identification as Government
11 Exhibit 205 for the Court, witness, and parties.

12 Q. Do you recognize who that is?

13 A. Yes, that's me.

14 MS. TARLOW: Your Honor, the government offers
15 Government Exhibits 201, 202, and 205 into evidence.

16 THE COURT: Any objection?

17 MR. BIALE: No objection.

18 MR. DUNN: No, your Honor.

19 THE COURT: Government Exhibits 201, 202, and 205 are
20 received.

21 (Government's Exhibits 201, 202, and 205 received in
22 evidence)

23 MS. TARLOW: Your Honor, permission to publish
24 Government Exhibit 201?

25 THE COURT: Yes.

LADHLan4

Cardona-Cardona - Direct

1 BY MS. TARLOW:

2 Q. Mr. Cardona, you testified that this is a photograph of
3 Mr. Landji?

4 A. Yes, correct.

5 Q. Do you know Mr. Landji by any other names?

6 A. Yes. I know him as JC, Mr. Dishonest. There are others.
7 Those are the ones I remember now. We also called him 419.

8 Q. And what does "419" refer to?

9 A. 419 is used in Africa to refer to people who are kind of
10 casual. They don't behave the right way in their commitments.
11 And it's a reference to an article in the Nigerian criminal
12 code. No. 419 is the code that has to do with fraud. So it's
13 like a play on words.

14 MS. TARLOW: Mr. Minikel, please publish for the jury
15 Government Exhibit 202.

16 Q. Mr. Cardona, you testified that this photograph depicts
17 Mr. Adamu?

18 A. Yes, that's correct.

19 Q. Do you know him by any other names?

20 A. Jibril, always Jibril.

21 Q. I'm going to refer to Mr. Landji and Mr. Adamu moving
22 forward as the defendants. Do you understand?

23 A. Yes.

24 Q. You testified a moment ago that there came a time when you
25 began to distribute cocaine with the defendants, is that right?

LADHLan4

Cardona-Cardona - Direct

1 A. Yes, that's correct.

2 Q. When did you first start selling drugs?

3 A. In '90 in Italy.

4 Q. What kind of drugs?

5 A. Cocaine.

6 Q. Have you ever sold any other types of drugs?

7 A. None at all.

8 Q. Approximately when did you first agree to distribute
9 cocaine with the defendants?

10 A. In approximately 2009.

11 Q. Did you ever work with the defendants on any dealings that
12 were not drug related?

13 A. No.

14 Q. I'd like you to turn your attention to approximately 2017.

15 A. Okay.

16 Q. What did you agree to do with the defendants at that time?

17 A. So in '17, in 2017, we agreed to use Jean-Claude's plane to
18 traffic cocaine between South America, Africa, and Europe.

19 Q. And how much cocaine did you agree to distribute with the
20 defendants?

21 A. The plane's capacity is two tons, slightly more than that.

22 Q. And you agreed to transport using that plane approximately
23 two tons of cocaine?

24 A. Yes, that's correct.

25 Q. How often did you agree to distribute that quantity?

LADHLan4

Cardona-Cardona - Direct

1 A. The plan was to use it every two weeks. Maybe have a trip
2 go out every two weeks, every month.

3 Q. Who else other than the defendants were you going to
4 distribute the cocaine with?

5 A. With Rambo, Domingo, Paco, Pacero, Richard, and Gordo.

6 Q. So I would like to discuss each of those individuals in
7 turn.

8 A. Very well.

9 Q. Starting with Rambo, what was Rambo's role in this scheme?

10 A. Rambo was the liaison between a group of people in Europe
11 who sold cocaine. Domingo was his associate.

12 Q. What else were Rambo and Domingo going to invest in?

13 A. They were going to invest in the building up of
14 Jean-Claude's company to be able to buy new planes, have more
15 operational abilities, and then be able to expand in different
16 scenarios.

17 Q. What were those new planes going to be used for?

18 A. They were going to be used to transport cocaine, to have
19 further range, and -- further range and more operational
20 capacity.

21 Q. What do you mean by "further range"?

22 A. We would be able to do this at a longer range, so we would
23 be able to travel longer distances.

24 Q. What do you mean by additional operational capacity?

25 A. So what I'm referring to, as far as cocaine trafficking

LADHLan4

Cardona-Cardona - Direct

1 goes, is that what usually happens is that many different
2 scenarios present themselves. For example, you operate on
3 landing strips that are makeshift, that are just made on the
4 fly, and when you operate from an airport, you do -- you use
5 different kinds of planes. So there is a different scenario.

6 Q. So was part of the plan to purchase different types of
7 planes for those different scenarios you just described?

8 A. Yes, that's correct.

9 Q. You also testified that someone named Richard was involved
10 in this scheme to distribute cocaine, is that right?

11 A. That's correct.

12 Q. What was Richard's role?

13 A. Richard's role was to provide logistical support for
14 landing in the Western Sahara and also to provide the cocaine
15 in Suriname, for it to be transported.

16 Q. What do you mean by providing logistical support for
17 landing in the Western Sahara?

18 A. Yes. So landing in the Western Sahara takes place on
19 makeshift landing strips, and so on land you always need to
20 have fuel, communication, lights, transportation, all of these
21 things with respect to logistics, in order to be able to carry
22 out your operation.

23 Q. What kind of operation are you referring to?

24 A. The operation would be to land planes that are carrying
25 cocaine. The transportation of cocaine, that's what it was, of

LADHLan4

Cardona-Cardona - Direct

1 course.

2 Q. Why would you use a makeshift landing strip for that type
3 of operation?

4 A. Because these were completely clandestine. They were
5 always clandestine, and as such, being clandestine, you always
6 operated in that way.

7 MR. BIALE: Objection. Sorry, your Honor. I don't
8 know if you heard me. Objection.

9 THE COURT: You object to what?

10 MR. BIALE: The discussion of always -- can we get
11 specific about what he's --

12 THE COURT: Overruled.

13 What do you mean by clandestine?

14 THE WITNESS: By clandestine I mean that it is done
15 completely in far away places, hidden far away from other
16 people's eyes, curious people's eyes, far away from the
17 authorities.

18 BY MS. TARLOW:

19 Q. You testified earlier that someone named Gordo was also
20 involved in this scheme to distribute cocaine. Who is Gordo?

21 A. Gordo was Richard's associate, and he was one of the
22 investors in the operation. And, of course, that would be the
23 transportation of cocaine operation.

24 Q. Was there also someone named Youssouf Fofana who was
25 involved in this agreement to distribute cocaine?

LADHLan4

Cardona-Cardona - Direct

1 A. Yes, Youssouf Fofana also, yes.

2 Q. So I'm now showing you, the Court, and the parties what has
3 been marked for identification as Government Exhibit 203.

4 Do you recognize this photograph?

5 A. Yes.

6 Q. Who does it depict?

7 A. This is Youssouf Fofana.

8 MS. TARLOW: Your Honor, the government offers
9 Government Exhibit 203.

10 THE COURT: Any objection?

11 MR. BIALE: No objection.

12 MR. DUNN: No, your Honor.

13 THE COURT: Government Exhibit 203 is received.

14 (Government's Exhibit 203 received in evidence)

15 MS. TARLOW: Mr. Minikel, please publish Government
16 Exhibit 203.

17 BY MS. TARLOW:

18 Q. How did you know Fofana?

19 A. I met Fofana since -- in 2009 when I trafficked cocaine in
20 Western Africa. He was one of my customers, my buyers.

21 Q. Buyer of what?

22 A. Buyers of cocaine.

23 Q. And what role did Fofana play in this particular scheme
24 with the defendants to distribute cocaine?

25 A. Fofana always was the bridge, the link of communications

LADHLan4

Cardona-Cardona - Direct

1 between myself and Jean-Claude and Jibril.

2 Q. And why did he serve in that role?

3 A. Because I was traveling a lot, and I didn't want to have
4 communications from Colombia to Mali for fear of being
5 intercepted. So I assigned him to be always in charge, to be
6 in contact with them, with Jibril and Jean-Claude, and also to
7 keep me informed. And also, he was a person that acted in a
8 way so that there was also always a good report within the
9 group.

10 Q. What kinds of things would he report to you? What kind of
11 information would he relay?

12 A. For instance, he would keep me up to date about how the
13 repairs of the airplanes were going. If there was a need to
14 find something in Africa or to get in contact with somebody in
15 Africa, he was the person in charge of that.

16 Q. What do you mean by "a need to find something in Africa"?

17 A. Say, for instance, if there was a need to find drugs or
18 cocaine, he always knew where they were in Africa, or if you
19 need to find a good contact in one of the countries of Western
20 Africa, he always knew the appropriate people. He always knew
21 how to move about over there.

22 Q. What were the defendants' roles in this scheme to
23 distribute the cocaine?

24 A. To take the plane, for transportation.

25 Q. And where were they going to distribute the cocaine to?

LADHLan4

Cardona-Cardona - Direct

1 A. The cocaine was going to be distributed in West Africa and
2 in Europe.

3 Q. And where was the cocaine going to come from?

4 A. The cocaine had three possible ways: One was Venezuela,
5 the another one was British Guyana, and the other was Suriname.

6 Q. And it was going to be transported on planes flown by the
7 defendants?

8 MR. BIALE: Objection.

9 THE COURT: Sustained.

10 Q. Who was going to fly the planes from the points just
11 identified to the locations in Africa and Europe with drugs on
12 board?

13 A. Jean-Claude and Jibril.

14 Q. I am now showing you, the Court, and the parties what is
15 marked for identification as Government Exhibit 236.

16 Do you recognize this?

17 A. Yes.

18 Q. What is it?

19 A. Those are the departure and destination routes of the
20 cocaine.

21 Q. For the operation that you've just described involving the
22 defendants?

23 A. Correct.

24 MS. TARLOW: Your Honor, the government offers
25 Government Exhibit 236.

LADHLan4

Cardona-Cardona - Direct

1 MR. BIALE: Can I do brief voir dire, your Honor?

2 THE COURT: Yes.

3 VOIR DIRE EXAMINATION

4 BY MR. BIALE:

5 Q. Sir, did you prepare this document?

6 A. Which document?

7 Q. Document that you're looking at which is marked for
8 identification as Government Exhibit 236, did you prepare this
9 document?

10 A. I gave the points of departure and the destination
11 location.

12 Q. My question is did you prepare this document? Did you
13 create this document that's marked for identification as
14 Government Exhibit 236?

15 A. OK. I did not do it physically with my own hands. I
16 provided the information in order for it to be done.

17 Q. Do you know who prepared this document?

18 A. No.

19 Q. You weren't present when the document was prepared?

20 A. No.

21 MR. BIALE: Your Honor, we object to the admission of
22 Government Exhibit 236.

23 THE COURT: The objection's overruled.

24 MR. DUNN: Your Honor, for the record, I join in that
25 too.

LADHLan4

Cardona-Cardona - Direct

1 THE COURT: Government Exhibit 236 is received.

2 (Government's Exhibit 236 received in evidence)

3 MS. TARLOW: Thank you, your Honor. May we publish
4 Government Exhibit 236?

5 THE COURT: You may.

6 DIRECT EXAMINATION CONTINUED

7 BY MS. TARLOW:

8 Q. So now using Government Exhibit 236, can you please explain
9 what locations in South America are approximately identified on
10 this map.

11 A. Yes. The points of departure for loading the cocaine are
12 Venezuela. You can see is identified with the first line.
13 Then British Guyana and then Suriname. And the destinations,
14 they're clearly visible in West Africa, the Western Sahara,
15 Guinea Conakry, and Sierra Leone.

16 Q. And you testified that these were origin points in South
17 America where some of the drugs would originate from for this
18 operation for the defendants?

19 A. That is correct.

20 Q. And how were the locations, the three locations you just
21 identified, in Western Africa significant in this case?

22 A. Because they're important because that's where the planes
23 were going to land with the drugs, and West Africa is used as a
24 middle point in order to secure the drugs before they go to a
25 different destination.

LADHLan4

Cardona-Cardona - Direct

1 Q. I'm now showing you, the Court, and the parties what is
2 marked for identification as Government Exhibit 239.

3 Do you recognize this?

4 A. Yes, correct.

5 Q. What is it?

6 A. Those are the continuation of places from Africa to Europe.

7 Q. Again, are these points identified in the map locations
8 where drugs were going to be distributed in your operation with
9 the defendants?

10 A. That is correct.

11 MS. TARLOW: Your Honor, the government offers
12 Government Exhibit 239.

13 MR. BIALE: Same objection, your Honor.

14 MR. DUNN: And I join in, your Honor.

15 THE COURT: The objection's overruled. 239's
16 received.

17 (Government's Exhibit 239 received in evidence)

18 MS. TARLOW: Your Honor, may we publish Government
19 Exhibit 239?

20 THE COURT: Yes.

21 BY MS. TARLOW:

22 Q. So now using Government Exhibit 239, can you please explain
23 what the three destination locations were for the drugs in your
24 operation with the defendants.

25 MR. BIALE: Objection.

LADHLan4

Cardona-Cardona - Direct

1 THE COURT: Ground?

2 MR. BIALE: Leading.

3 THE COURT: Overruled.

4 A. Yes, the three locations of origin for the drugs are,
again, the desert in the Western Sahara, Guinea Conakry, and
Sierra Leone. The destinations are Albania, Montenegro, and
Odessa.

5 Q. What kind of airplane did you initially discuss using with
6 the defendants for this operation?

7 A. Gulfstream II-B.

8 Q. And generally, what kind of a plane is that?

9 A. It's a long-range airplane of large capacity with a
10 capacity to transport approximately between 2,000 and
11 2,500 tons of cocaine, kilos of cocaine.

12 Q. What is your understanding of what that type of plane is
13 generally used to transport for purposes not related to drug
14 trafficking?

15 A. It's mostly used to do charter flights, such as VIP,
16 businessmen, public figures.

17 Q. What do you mean by "VIP"?

18 A. I'm referring to people that can afford paying for a
19 private flight, so it's usually wealthy people.

20 Q. I'm going to refer to that particular airplane as the G-II
21 moving forward. Do you understand that?

22 A. Very well.

LADHLan4

Cardona-Cardona - Direct

1 Q. I'm now showing you, the Court, and the parties what have
2 been marked for identification as Government Exhibits 214 and
3 now 503-V, as in Victor.

4 Do you recognize these photographs?

5 A. Yes.

6 Q. What do they both depict?

7 A. This picture describes the plane that we were preparing,
8 that we were retrofitting to fly with Jean-Claude, with cocaine
9 for this scheme that we were plotting.

10 Q. Are these fair and accurate depictions of that plane, the
11 G-II?

12 A. Yes.

13 MS. TARLOW: Your Honor, the government offers
14 Government Exhibits 214 and 503-V.

15 MR. BIALE: No objection.

16 MR. DUNN: No objection, your Honor.

17 THE COURT: Government Exhibit 214 and 503-V are
18 received.

19 (Government's Exhibits 214 and 503-V received in
20 evidence)

21 MS. TARLOW: Mr. Minikel, please publish Government
22 Exhibit 214.

23 BY MS. TARLOW:

24 Q. Who owned the G-II airplane depicted in Government
25 Exhibit 214?

LADHLan4

Cardona-Cardona - Direct

1 MR. BIALE: Objection.

2 THE COURT: Ground?

3 MR. BIALE: Foundation.

4 THE COURT: Sustained.

5 BY MS. TARLOW:

6 Q. Did there come a time when you learned who owned this
7 particular airplane?

8 A. Yes.

9 Q. Approximately when was that?

10 A. That was sometime or so in the summer of 2016.

11 Q. And what did you learn then?

12 A. So I was in Spain, and Youssouf, the friend whose
13 photograph we just saw, who was always in contact with him,
14 called me. He said: Hey, do you remember our friend --

15 THE COURT: Wait, wait, wait. What's the name of the
16 person who called you?

17 THE WITNESS: Youssouf Fofana.

18 THE COURT: All right. Go ahead.

19 A. And he said: Hey, look, do you remember our friend
20 Jean-Claude? And I said: Sure, I do. He said: You know,
21 he's in Portugal right now. He bought a plane that you're
22 going to be interested in. Jean-Claude sent me a photograph
23 through Youssouf, and he sent me his telephone number, and I
24 called him in Portugal to say that I would see him sometime
25 soon because I wasn't able to right then.

LADHLan4

Cardona-Cardona - Direct

1 Q. You just described a telephone conversation. Who was that
2 telephone conversation with?

3 A. I was talking to Youssouf Fofana.

4 Q. Did you later have a telephone conversation with
5 Jean-Claude Landji?

6 A. Yes, Youssouf actually gave me his phone number in
7 Portugal, and I called him.

8 Q. And what did you discuss?

9 A. What I said to him -- well, he wanted me to go to Portugal
10 to meet with him, and I said, no, we should set a new date for
11 us to meet. And we set a date to see each other soon after.

12 Q. Why did Mr. Landji want you to go to Portugal to meet with
13 him?

14 MR. BIALE: Objection.

15 THE COURT: Sustained.

16 Q. What was your understanding of why Mr. Landji wanted you to
17 go to Portugal? What did he tell you about why he wanted you
18 to go there?

19 A. He wanted to show me the plane.

20 Q. Which plane?

21 A. The plane I just identified in the photograph, the G-II-B.

22 Q. And so what is your understanding of who owned the plane
23 that you identified in Government Exhibit 214, which we have
24 been referring to as the G-II?

25 A. Jean-Claude.

LADHLan4

Cardona-Cardona - Direct

1 Q. I'd like to direct your attention to October 2018. Where
2 was the G-II located at that time?

3 A. It was in Bamako, Mali.

4 THE COURT: How do you spell the first place?

5 THE WITNESS: B-o-m-o -- sorry, it's B-a-m-o-k-o, K at
6 the end.

7 Q. What did you plan to do with the G-II plane in October 2018
8 with the defendants?

9 A. We made a plan to send a test flight to Europe with a
10 sample of cocaine on it.

11 Q. How much cocaine?

12 A. One kilo.

13 Q. And where was the plane going to come from?

14 A. The plane was going to leave Bamako.

15 Q. And where in Europe did you ultimately decide that the
16 plane was going to go to with the test shipment of cocaine?

17 A. To Zagreb, Croatia.

18 Q. I am now showing you, the Court, and the parties what is
19 marked for identification as Government Exhibit 240. Do you
20 recognize this?

21 A. Yes. That's the route from Bamako to Zagreb, Croatia.

22 MS. TARLOW: Your Honor, the government offers
23 Government Exhibit 240.

24 MR. BIALE: Objection. Same objection.

25 MR. DUNN: Same objection, your Honor.

LADHLan4

Cardona-Cardona - Direct

1 THE COURT: I don't understand the basis for the
2 objection.

3 MR. BIALE: Your Honor, can we come and discuss?

4 THE COURT: Do you want to approach on it, or --
5 because I don't understand the basis for the objection. So
6 maybe you better approach and tell me what your basis is.

7 MR. BIALE: Very briefly, your Honor.

8 THE COURT: I'm sorry?

9 MR. BIALE: We will do it very briefly.

10 THE COURT: OK.

11 (Continued on next page)

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LADHLan4

Cardona-Cardona - Direct

1 (At sidebar)

2 THE COURT: So he's testified that there was a plan to
3 transport a one kilogram sample of cocaine, to fly it from a
4 city in Mali to Zagreb, Croatia. I suspect there are people on
5 the jury who don't have a clear understanding of where Mali is.
6 There may be people on the jury that don't have a clear
7 understanding of where Zagreb, Croatia is. So we have a map
8 that shows those places. So I don't understand why that's
9 objectionable.

10 MR. BIALE: Couple of issues, your Honor. First of
11 all, the question was put to the witness: Is this the route
12 from Mali to Croatia? I don't think that that exhibit which
13 simply shows a straight line from Mali to Croatia that looks
14 like it was drawn up on Google Maps necessarily reflects the
15 route that the plane took. I also don't know that the witness
16 has any personal knowledge about the route that the plane took,
17 and then in addition to that, there is my prior objection that
18 I don't believe the witness prepared these maps.

19 THE COURT: That doesn't matter. That matters not one
20 whit whether he prepared the map. If this was a photograph, it
21 matters not whether the witness took the photograph. Totally
22 irrelevant. So to the extent your objection is premised on the
23 fact that he didn't prepare the maps, there's no basis for that
24 objection at all.

25 Now, the objection about the suggestion that the plane

LADHLan4

Cardona-Cardona - Direct

1 took this route, that's different. So, for the record, I'll
2 say there's a straight line from the city in Mali to Zagreb,
3 and I am concerned that that could suggest to the jury that
4 that's the way the plane flew or that there was an agreement
5 that the plane would fly in a straight line from Mali, the city
6 in Mali, to Zagreb, and so I think that could be potentially
7 misleading.

8 So did he have any understanding of the route by which
9 the plane was going to fly from Mali to Zagreb?

10 MS. TARLOW: Your Honor, I don't think he knows the
11 particular route, and I can clarify that point. I was asking
12 him what he believed it depicted, and I believe he was -- he
13 was going to answer just that it was the destination point and
14 the arrival for the test shipment.

15 THE COURT: OK.

16 MS. TARLOW: And I can clarify that he doesn't know
17 that that was a straight line necessarily from point A to point
18 B.

19 MR. BIALE: That's fine. Thank you, Judge.

20 THE COURT: OK.

21 MR. TREMONTE: Judge, Judge.

22 THE COURT: Yes.

23 MR. TREMONTE: Inasmuch as the objective of the
24 Plexiglas witness booth is to allow the unmasked witness to be
25 fully visible, his facial features to the jury, I would suggest

LADHLan4

Cardona-Cardona - Direct

1 that the witness be asked to remove his mask.

2 THE COURT: Well, that is the purpose of the Plexiglas
3 booth. Of course, the Plexiglas booth is not completely
4 enclosed, but I do agree that the purpose of the booth was so
5 that the jury can make a determination of the witness'
6 demeanor.

7 Do you have a view?

8 MS. TARLOW: There's no objection from the government
9 if that is defense's preference.

10 MR. TREMONTE: Maybe we can revisit it on the next
11 break so it's not distracting to the jury.

12 THE COURT: Right. So I think that's a fair point.
13 Maybe you could instruct the witness, for purposes of tomorrow,
14 that he can take the mask off in the witness -- when he's
15 within the witness booth, and then when he leaves, he's got to
16 put the mask back on.

17 MS. TARLOW: Yes, your Honor. Will do.

18 MR. TREMONTE: OK.

19 THE COURT: OK. Thank you.

20 (Continued on next page)

LADHLan4

Cardona-Cardona - Direct

1 (In open court; jurors present)

2 MS. TARLOW: May I proceed, your Honor?

3 THE COURT: Yes, go right ahead.

4 BY MS. TARLOW:

5 Q. Turning your attention again to Government Exhibit 240.

6 What is the location in Africa that is identified on this map?

7 A. The -- at the end of the -- at the --

8 THE INTERPRETER: The interpreter correction.

9 A. At the upper end of the red line is Zagreb, Croatia, and at
10 the very lower end of the red line is Bamako.

11 Q. Do you know if the test shipment was going to be flown on a
12 path in this direct route that is shown on Government
13 Exhibit 240 from Bamako to Croatia?

14 A. Just like we see it here.

15 Q. Do you have personal knowledge of the exact route that was
16 taken?

17 A. Yes.

18 Q. Was your understanding that the test shipment was going to
19 originate from Bamako?

20 A. Yes.

21 Q. And arrive in Zagreb, Croatia?

22 A. Yes.

23 MS. TARLOW: Your Honor, the government offers
24 Government Exhibit 240.

25 MR. BIALE: I would ask that a further foundation be

LADHLan4

Cardona-Cardona - Direct

1 laid for what the witness just testified to.

2 THE COURT: All right. Could you further explore his
3 knowledge of the route that would be taken.

4 MS. TARLOW: Yes, your Honor.

5 Q. How do you know that that was the route that was going to
6 be taken with the test shipment of cocaine?

7 A. Because I was personally involved in planning the shipment.

8 Q. Did you have discussions about the route that the shipment
9 would take?

10 A. Yes, of course.

11 Q. Were you on the plane at the time of the test shipment from
12 Mali to Croatia?

13 A. No, I was at the destination waiting for the plane.

14 Q. So do you have personal knowledge of the route that the
15 plane, in fact, took?

16 A. Yes.

17 Q. Again, how is that?

18 A. I was personally involved in creating the plan to send the
19 cocaine there. I was the one who gave the order that the
20 cocaine should be sent to Zagreb.

21 THE COURT: I want to make sure that the jury
22 understands the purpose that the government is offering the
23 three maps, Government Exhibit 236, Government Exhibit 239, and
24 now we're looking at Government Exhibit 240. The purpose of
25 the maps is to show you the relationship between departure and

LADHLan4

Cardona-Cardona - Direct

1 destination, the various countries, and so forth.

2 That's really the purpose of the maps, is that fair to
3 say?

4 MS. TARLOW: Yes, your Honor.

5 THE COURT: So that's why the maps are being offered
6 to you, so that you have in mind where Mali is, where Croatia
7 is, and then with respect to the earlier maps, the countries in
8 South America, the countries in Africa, and then the
9 destinations in Europe. That's the purpose of the maps,
10 because not everybody knows off the top of their head where
11 Mali is or where a British Guyana is or where Suriname is, etc.
12 That's why the government has laid the maps before you, just so
13 you can orient yourself geographically. OK.

14 MS. TARLOW: Your Honor, the government offers
15 Government Exhibit 240 for that purpose.

16 THE COURT: All right.

17 MR. BIALE: No objection.

18 MR. DUNN: No objection, your Honor.

19 THE COURT: Government Exhibit 240 is received.

20 (Government's Exhibit 240 received in evidence)

21 BY MS. TARLOW:

22 Q. What is your understanding of whether that test shipment
23 occurred?

24 A. Yes, it did actually occur.

25 Q. Approximately when?

LADHLan4

Cardona-Cardona - Direct

1 A. That was October 29-30, 2018.

2 Q. Did you and the defendants continue to ship drugs on the
3 G-II airplane after October 2018?

4 A. No, because we were arrested.

5 Q. Approximately when were you arrested?

6 A. October 29, 2018.

7 Q. I'd like to take a step back for a moment and focus on your
8 relationship with Mr. Adamu.

9 A. Yes.

10 Q. Approximately when did you first meet him?

11 A. At the end or beginning of 2010, sometime around then.

12 Q. And where were you at that time when you met him?

13 A. I was in Guinea Conakry when I first met him, and I met
14 with him in Lomé with a friend of his.

15 Q. So focusing on the first time that you were introduced to
16 him, who introduced the two of you?

17 A. It was one of my cocaine customers in Conakry, who was his
18 friend and my friend. They were friends in common. His name
19 was Jimmie.

20 Q. When you were first introduced to Mr. Adamu, what did you
21 discuss with him?

22 A. We discussed purchasing a plane that had been seized by the
23 authorities in Sierra Leone, the plane was in Sierra Leone, to
24 traffic cocaine with.

25 Q. What was Adamu's role going to be?

LADHLan4

Cardona-Cardona - Direct

1 A. He was going to be the plane's pilot.

2 Q. And where were you going to traffic those drugs from?

3 A. Back then, Venezuela.

4 Q. And where were you going to traffic those drugs to?

5 A. They would go to West Africa, Guinea Conakry.

6 THE COURT: All right. So Conakry, is that a city in
7 Guinea?

8 THE WITNESS: Yes, the name of the country is Guinea
9 Conakry, and then the city is Conakry.

10 THE COURT: OK. And that's in West Africa, right?

11 THE WITNESS: Yes, your Honor.

12 THE COURT: OK.

13 (Continued on next page)

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LADNLAN5

Cardona - Direct

1 Q. You testified that you discussed purchasing a plane for the
2 distribution of drugs, is that correct, with Mr. Adamu?

3 A. Yes, the purpose of the meeting was to buy the plane that
4 had been seized by the narcotics enforcement unit of the Sierra
5 Leone police. They were selling it quite cheaply, and so the
6 purpose of buying the plane was to continue trafficking with
7 him.

8 Q. And what type of plane was that?

9 A. It was a Cessna Conquest II.

10 Q. I am now showing you, the Court, and the parties what is
11 marked for identification as Government Exhibit 235. Do you
12 recognize this?

13 A. Yes, that's that type of plane, yes.

14 Q. And what type of plane is that.

15 A. That is a Cessna Conquest II.

16 MS. TARLOW: Your Honor, the government offers
17 Government Exhibit 235.

18 MR. BIALE: No objection.

19 MR. DUNN: No objection, your Honor.

20 THE COURT: Government Exhibit 235 is received.

21 (Government Exhibit 235 received in evidence)

22 Q. Did you later discuss purchasing another plane with Adamu
23 to traffic drugs?

24 A. With Adamu, we met later on in Senegal for him to pilot a
25 plane for us, a 727.

LADNLAN5

Cardona - Direct

1 Q. Before we discuss the 727 plane, had you also discussed
2 purchasing with Adamu another type of plane to traffic drugs?

3 A. Yes, a King 350, yes.

4 Q. And why that kind of plane?

5 A. Because that plane has similar features to the Conquest II.
6 It's a type of plane that can land in makeshift landing strips,
7 and it's the appropriate one for cocaine trafficking from South
8 America and West Africa.

9 Q. What about that plane makes it ideal for landing on
10 makeshift landing strips?

11 A. It can take off very quickly during a very short period of
12 time, and it can also land on short landing strips, on
13 makeshift landing strips, even on highways.

14 MS. TARLOW: I am now showing you the Court and the
15 parties what is marked for identification as Government Exhibit
16 209.

17 BY MS. TARLOW:

18 Q. Do you recognize this?

19 A. Yes.

20 Q. What is it?

21 A. It is a King 350.

22 MS. TARLOW: The government offers Government Exhibit
23 209.

24 MR. BIALE: No objection, Judge.

25 MR. DUNN: No objection.

LADNLAN5

Cardona - Direct

1 THE COURT: 209 is received.

2 (Government Exhibit 209 received in evidence)

3 MS. TARLOW: Your Honor, if we can now publish first
4 Government Exhibit 235.

5 THE COURT: Yes.

6 MS. TARLOW: And now 209.

7 BY MS. TARLOW:

8 Q. What did you discuss with Adamu that you would transport on
9 these two planes?

10 A. We talked about the quantities that could be transported,
11 quantities of drugs that these planes could hold -- the Cessna
12 about 800 kilos and the King about one ton -- between South
13 America and the coast of West Africa.

14 Q. Why did you discuss the specific quantities of cocaine with
15 Adamu that would be transported on these planes?

16 A. It's important to know the quantity of cocaine to be
17 transported because that's proportionate to the type of fuel
18 that the plane uses, burns. In order to do calculations from
19 origin and destination, you measure the distance, and based on
20 the distance, then the quantity of cocaine is determined.

21 Q. What, if anything, did you discuss with Adamu about how you
22 would avoid being caught transporting those drugs with these
23 planes?

24 A. Yes. We discussed about the need to fly an undeclared
25 flight. We referred to it as black flight. It's a completely

LADNLAN5

Cardona - Direct

1 clandestine flight.

2 All location systems of the plane are turned off, the
3 location systems, they are turned off. Yes, we discussed about
4 that matter. All those details are necessary to be discussed.

5 Q. Why would you turn off your location systems on the plane
6 for this type of scheme?

7 A. In order not to be detected.

8 Q. By whom?

9 A. Not to be detected by the authorities who are monitoring
10 these kind of flights.

11 Q. Is there a term used for those types of flights?

12 A. Yes. A black flight, an undeclared flight.

13 THE COURT: You referred to location systems.

14 Are they known as transponders?

15 THE WITNESS: Yes. Correct. The transponders and the
16 GPS.

17 BY MS. TARLOW:

18 Q. What, if anything, did you discuss about what would happen
19 at any airports to evade detection?

20 A. Yes. The equipment that your Honor mentioned is what is
21 visible on the screens at the airport. By turning them off,
22 then you avoid being seen.

23 Q. What did you discuss doing with respect to certain airport
24 officials?

25 A. Especially on the African side, and also from South America

LADNLAN5

Cardona - Direct

1 as well, you normally bribe the authorities in order to arrive
2 securely with the cocaine, the crew, and the airplane. But I
3 would like to remind that this plane can be operated from any
4 landing strip, not necessarily the airport.

5 Q. What do you mean by that?

6 A. For instance, I'm referring to the fact that you can land
7 even on a road, or even taking off. In the case of Africa,
8 when we got there, very few times you land on an airport with
9 this type of plane. You land on makeshift landing strips,
10 where the army provided us protection.

11 Q. Did you discuss using makeshift landing strips with Adamu
12 with respect to using these planes?

13 A. Yes, both options. We considered both options.

14 Q. Did you end up buying the Cessna Conquest II in Sierra
15 Leone?

16 A. No. Because when we initiated the clearance process from
17 the authorities in Sierra Leone, the clearance process for the
18 airplane in Sierra Leone would take over a year.

19 Q. Did you end up buying the King Air 350?

20 A. Yes. We were looking into it, but then there was another
21 traffic operation and we changed our minds.

22 Q. Approximately when did you first start talking about this
23 other trafficking operation?

24 A. That was in 2010.

25 Q. And who were you having discussions with about this other

LADNLAN5

Cardona - Direct

1 trafficking operation?

2 A. This operation was being planned as well by Juan Carlos, a
3 friend that I met in Africa.

4 Q. How did you know Juan Carlos?

5 A. I met him in Guinea trafficking with cocaine. He would
6 sell to me, and I would buy from him.

7 Q. What did you discuss with Mr. Adamu about this operation?

8 A. I contacted him in order for him to come to Senegal -- I
9 was in Senegal -- to fly a 727 with cocaine that we were going
10 to send to South America.

11 Q. What is a 727?

12 A. It's a large-capacity cargo plane. It's a heavy plane.
13 It's a large plane.

14 Q. After you had those conversations with Mr. Adamu about the
15 operation, what did he then do?

16 A. We came to an agreement with him. My friend discussed with
17 him money issues, and we proceeded to send the plane to Panama.

18 Q. Who was onboard the plane at that time? Who did you
19 understand was onboard?

20 A. Jibril and his crew and an engineer who the name escapes me
21 and also another person whom I don't remember the name either.

22 Q. And what is --

23 A. Another pilot.

24 Q. What is your understanding of what happened after he flew
25 to Panama on the 727?

LADNLAN5

Cardona - Direct

1 A. We flew the plane there, and there the Colombians were the
2 owners of the drugs decided to switch pilots. So Jibril went
3 back to his country.

4 Q. Did you speak with him after he returned from Panama?

5 A. Yes.

6 Q. And what did you discuss?

7 A. The friend who introduced him to me and him, they were
8 complaining to me that they owed him money as compensation for
9 the 727. He was like trying to collect it from me.

10 Q. Who owed him money?

11 A. Juan Carlos did.

12 Q. And Juan Carlos owed who money?

13 A. To Jibril.

14 Q. And how much did Jibril say Juan Carlos owed him?

15 A. \$20,000.

16 Q. What did Jibril Adamu say that he was owed the money for?

17 A. For compensation for have not chosen him as pilot of the
18 727.

19 Q. What did you discuss with Mr. Adamu about what happened
20 with the plane after it left from Panama?

21 A. I told him what happened in Mali, that the plane had a
22 crash in the desert.

23 Q. Which plane?

24 A. The Boeing 727 that we are discussing right now.

25 Q. What did you describe happened when the plane crashed in

LADNLAN5

Cardona - Direct

1 Mali?

2 A. I told him that there had been a sandstorm at landing,
3 which caused the main turbine to blow up. We proceeded to burn
4 the plane, and when they found the plane that made
5 international news.

6 Q. What did you discuss was on the plane at the time that it
7 crashed in Mali?

8 A. Yes. There were 5,000 kilos of cocaine.

9 Q. And then this was the plane that Adamu had initially flown
10 to Panama?

11 A. Yes, correct.

12 Q. And that plane was subsequently flown by other individuals
13 to Mali?

14 A. Yes, correct.

15 Q. Where did you go after that 727 plane crashed in Mali?

16 A. I went to Bamako.

17 Q. Again, where is Bamako located?

18 A. Bamako is the capital of Mali, the one we were just viewing
19 earlier.

20 Q. Why did you go to Bamako then?

21 A. I went because I was going to buy part of the drugs that
22 were on that plane.

23 Q. What did you then do?

24 A. I did go there and they started selling me some of those
25 drugs, and then I started selling it. I sold it.

LADNLAN5

Cardona - Direct

1 Q. What quantity of drugs were you responsible for selling?

2 A. Two tons.

3 Q. And where did you sell them?

4 A. I sold them there in Bamako.

5 Q. Did there come a time when you were arrested after that
6 drug shipment?

7 A. Yes, correct.

8 Q. Approximately when was that?

9 A. That was sort of towards the end of 2010, sometime around
10 then.

11 Q. What were you arrested for?

12 A. Because of the death of Juan Carlos.

13 Q. Again, how was Juan Carlos related to this 727 shipment of
14 drugs?

15 A. Well, Juan Carlors and his associate, Miguel, were
16 responsible for security regarding the plane's arrival and also
17 the logistical support in Mali when it arrived.

18 Q. What do you mean by security?

19 A. So by security I mean that nothing would happen to the
20 plane, its crew, or the cocaine when it arrived there. They
21 bribed the authorities.

22 Q. Why did you kill Juan Carlos?

23 A. Because we had gotten information from Miguel that he was
24 going to kill us. He was very close to the chief of the
25 intelligence services in that country, so this was a serious

LADNLAN5

Cardona - Direct

1 threat.

2 Q. Who was close to the chief of intelligence services?

3 A. Miguel.

4 Q. And what was the information that Miguel received?

5 A. Well, this chief of intelligence had told Miguel that we
6 had to be very careful, be on high alert, because he had found
7 out that there were some Nigerian hitmen there, and Juan Carlos
8 wanted to kill us.

9 Q. What was your understanding of who had hired those hitmen?

10 A. Juan Carlos. So Juan Carlos felt he was being cut out of
11 the business. He had not complied payment-wise with the
12 Colombians he was dealing with. And he reacted in that manner.
13 Things were going very well for me businesswise. They were
14 also for Miguel. He was envious.

15 Q. Who was envious?

16 A. Juan Carlos.

17 Q. Was there anyone else who helped you kill Juan Carlos?

18 A. Yes, Miguel, and there was a third guy, Gustavo. He was
19 Colombian, too. Miguel was the one who set, you know, the trap
20 so we could take him down.

21 Q. And where did that happen?

22 A. That happened in Bamako, in the industrial area of Bamako.

23 Q. What do you mean by Miguel set a trap?

24 A. Yes. Well, Miguel asked him to come to that industrial
25 area saying to him that he was going to give him another chance

LADNLAN5

Cardona - Direct

1 to sort of build himself back up in the business, be able to
2 pay what he owed, and that is how he showed up for the
3 appointment that Miguel had made with him.

4 Q. And when he showed up at this warehouse in Mali, how did
5 you kill him?

6 A. It happened very fast. He drove to the warehouse. He
7 parked the car that he had drove there in. Miguel had warned
8 me that he would be armed and, therefore, we had to react
9 really fast. So after he parked his car I shot him.

10 Q. Who?

11 A. I shot Juan Carlos.

12 Q. And what did you do after shooting Juan Carlos?

13 A. Well, our plan was to make the body disappear. So,
14 immediately after, we started making the body disappear. I
15 started to cut him up. I had started dismembering him, but the
16 police showed up. There were police, police, police all over
17 the place.

18 So we ran off with the guy who was in there with us to
19 hide the body. We put it under some sacks of cement. It all
20 happened very fast, because the police, well, it took them
21 about ten or fifteen minutes to come in.

22 Q. What happened after the police came into the warehouse?

23 A. The police looked around for the body, and once they found
24 it we were arrested immediately.

25 Q. And what happened after you were arrested? What did you

LADNLAN5

Cardona - Direct

1 do?

2 A. We immediately set off to hire the best lawyers possible in
3 Mali, and together with them we all cooked up a scheme to get
4 out of prison quickly.

5 Q. What was that scheme?

6 A. To pay off the authorities who had to be paid off so we
7 could be released.

8 Q. Did you end up going to trial?

9 A. Yes.

10 Q. And what did you say about your defense at trial?

11 A. That it was an act of personal defense. It was personal
12 defense.

13 Q. Was that a lie?

14 A. Yes.

15 Q. Were you convicted?

16 A. Yes. But, well, for that self-defense. Miguel and Gustavo
17 were released. I got five years.

18 Q. And what happened after you were sentenced to five years?

19 A. Well, a few months later, well after Miguel and Gustavo
20 were released, which was around 18 months after the arrests, a
21 few months after that, maybe two or three months, I was given a
22 presidential pardon.

23 Q. And what is your understanding of how that presidential
24 pardon was obtained?

25 A. Miguel was able to obtain that by an act of corruption.

LADNLAN5

Cardona - Direct

1 There are presidential pardons every year in Mali, and in order
2 to be put on that list you must pay money.

3 Q. Is it your understanding that is what Miguel did for you?

4 A. Yes, yes.

5 Q. Had you ever been arrested before that time?

6 A. Yes. In Italy.

7 Q. And approximately when was that?

8 A. In '90, 1990.

9 Q. And for what?

10 A. Cocaine trafficking.

11 Q. Were there others involved in that arrest?

12 A. Yes.

13 Q. Did you also go to trial for that crime?

14 A. Yes.

15 Q. And did you testify?

16 A. Yes.

17 Q. What did you say?

18 A. Well, I said that the act that had been committed, I had
19 committed it with one of the other people because everybody
20 else had been released.

21 Q. And why did you say that?

22 A. I said that so there would be fewer people in the case and
23 the law provided for lower penalties, much lower penalties.

24 Q. But that was a lie?

25 A. Yes.

LADNLAN5

Cardona - Direct

1 Q. So you lied in order to get a lower sentence?

2 A. Yes, correct.

3 Q. Did you serve a jail sentence?

4 A. Yes.

5 Q. For how long?

6 A. Four years and a few months, maybe three or four additional
7 months.

8 Q. Okay. I'd like to take a step back now and discuss your
9 relationship with Mr. Landji.

10 A. Very well.

11 Q. Approximately when did you first meet him?

12 A. In 2009.

13 Q. Where?

14 A. In Conakry, Guinea Conakry.

15 Q. Who introduced you to Mr. Landji?

16 A. A friend of his by the name of Cassius introduced him to
17 one of my associate Loco Lucho.

18 Q. How did you know Loco Lucho?

19 A. I knew him from a long time ago because Lucho is a friend
20 of my cousin who is also involved if the cocaine base in
21 Conakry.

22 Q. Had you ever trafficked drugs with Loco Lucho?

23 A. Yes.

24 Q. And that's one person, Loco Lucho?

25 A. Yes.

LADNLAN5

Cardona - Direct

1 Q. You also mentioned someone named Cassius?

2 A. Yes.

3 Q. Who introduced you to Cassius?

4 A. Lucho's wife knew him. She was Ghanaian, so she knew
5 Cassius.

6 Q. Had you ever trafficked drugs with Cassius?

7 A. Yes.

8 THE INTERPRETER: Counselor, could the interpreter
9 just clarify something. Interpreter's correction, Lucho's wife
10 was Guinean, from Guinea. She was one of the locals.

11 Q. When you were introduced to Landji, who was present?

12 A. Cassius was there, I was there, Juan Carlos was there, and
13 Lucho.

14 Q. And what did you discuss with Landji at that time when you
15 were first introduced to him?

16 A. We discussed a flight to transport cocaine from Venezuela.

17 Q. What did you discuss that Landji's role would be?

18 A. The transportation.

19 Q. And what kind of drugs?

20 A. Cocaine.

21 Q. Did you discuss with Landji the quantity of cocaine?

22 A. Yes.

23 Q. How much did you discuss that he would be transporting?

24 A. Two tons.

25 Q. Did you discuss what kind of plane Landji would use?

LADNLAN5

Cardona - Direct

1 A. Yes, it was a Gulfstream III.

2 Q. What is your understanding of what type of plane a
3 Gulfstream III is?

4 A. The Gulfstream III is a plane that has very similar
5 characteristics, like a G2B. It has a flying range of 3500
6 nautical miles, and a cargo capacity of between 2 and 2.5 tons.

7 Q. When it is not being used for drug trafficking, what is
8 your understanding of what that plane is generally used for?

9 A. It's used for charter flights and business flights.

10 Q. Where did Mr. Landji say that the Gulfstream III plane was
11 going to come from?

12 A. He was going to fly the plane from here, from the United
13 States.

14 Q. I'm now showing you, the Court, and the parties what has
15 been marked as Government Exhibit 501BB.

16 MS. TARLOW: If you can, Mr. Minikel, zoom in on the
17 photograph.

18 BY MS. TARLOW:

19 Q. Do you recognize this?

20 A. Yes.

21 Q. What is it?

22 A. It's a Gulfstream III.

23 MS. TARLOW: Your Honor, the government offers
24 Government Exhibit 501BB.

25 THE COURT: Any objection?

LADNLAN5

Cardona - Direct

1 MR. BIALE: No objection.

2 MR. DUNN: No objection, your Honor.

3 THE COURT: Government Exhibit 501BB is received.

4 (Government Exhibit 501BB received in evidence)

5 MS. TARLOW: Your Honor, may we publish Government
6 Exhibit 501BB?

7 THE COURT: Yes.

8 BY MS. TARLOW:

9 Q. What was your understanding of how Landji was going to get
10 access to this plane?

11 A. Yes. We gave him the money so he could lease it, do the
12 leasing, to him and to Cassius to both of them.

13 Q. Was he going to lease it through his aviation company?

14 A. Yes. That type of leasing is usually done through aviation
15 companies.

16 Q. What was the name of Mr. Landji's aviation company?

17 A. Okland Aviation.

18 Q. What did you discuss with Mr. Landji about where the flight
19 using the Gulfstream III was going to depart from?

20 A. Guinea Conakry. The plane would come from the United
21 States land at the Guinea Conakry International Airport. And
22 then after that it would go to Venezuela to pick up the drugs,
23 so Conakry to Venezuela.

24 Q. And what did you discuss with Landji about the path that
25 the plane would take from Conakry to Venezuela?

1 LADNLAN5

Cardona - Direct

1 A. Yes. The plan was for him to fly the plane to an island
2 near Venezuela. And once he was, had left the island on his
3 way back to Conakry, he was going to make a detour off the
4 route and land on an airstrip in Venezuela that we were going
5 to give him the indications of. It would land there, load the
6 cocaine very quickly, refuel quickly, take off again heading to
7 Guinea Conakry, where we would be waiting for him.

8 THE COURT: All right. Well, let's leave it there.

9 Ladies and gentlemen, it's 2:30, so we're going to
10 break for the day. As always, don't discuss the case, keep an
11 open mind, because there's more evidence. We will resume
12 tomorrow at 9:30 tomorrow morning.

13 Thank you all very much.

14 (Continued on next page)

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Cardona - Direct

1 (Jury not present)

2 THE COURT: The witness can step down.

3 (Witness not present)

4 THE COURT: Please be seated.

5 All right. So I will be expecting a letter from the
6 defendants in response to the government's letter that came in
7 this morning at about 1 a.m.

8 Are there matters the lawyers want to raise before we
9 break?

10 MS. TARLOW: Not from the government, your Honor.

11 MR. BIALE: Nothing on behalf of Mr. Landji, your
12 Honor.

13 MR. DUNN: Nothing, your Honor.

14 THE COURT: All right.

15 Why don't we meet tomorrow morning at 9:00, okay? So
16 that we have time. If I am in a position to issue a ruling at
17 that time, I will.

18 Mr. Hellman, something you wanted to say?

19 MR. HELLMAN: Yes, sorry. The white tape that the
20 witness has used to try to reclose Exhibits 102 and 103 is not
21 holding its seal. Additional evidence tape has been brought.
22 I just wanted to make a record that Special Agent Maher is
23 going to add the tape and his initials to it, unless there's
24 any objection.

25 THE COURT: What exhibit is that you're referring to?

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Cardona - Direct

1 MR. HELLMAN: Both 102 and 103. They are in the
2 government's trial cart here in the courtroom and the tape has
3 come undone.

4 THE COURT: All right. That will be done. If there's
5 nothing else, we are adjourned until 9:00 tomorrow.

6 MR. HELLMAN: Thank you, your Honor.

7 (Adjourned to Thursday, October 14, 2021, at 9:00
8 a.m.)

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